

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 UNITED STATES OF AMERICA,) CRIMINAL NO. 19-00099-DKW
4)
5 Plaintiff,) Honolulu, Hawaii
6 vs.) January 31, 2024
7)
8 MICHAEL J. MISKE, JR.,)
9)
10 Defendant.)
11 _____)

12 TRANSCRIPT OF JURY TRIAL (DAY 15)
13 BEFORE THE HONORABLE DERRICK K. WATSON,
14 CHIEF UNITED STATES DISTRICT COURT JUDGE
15

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WAYNE MILLER (CONTINUED EXAMINATION)

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RESUMED DIRECT EXAMINATION BY MR. INCIONG

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1 January 31, 2024 8:33 a.m.

08:33AM 2 THE CLERK: Criminal Number 19-00099-DKW-KJM, United

08:33AM 3 States of America versus Michael J. Miske, Jr.

08:33AM 4 This case has been called for jury trial, Day 15.

08:33AM 5 Counsel, please make your appearances for the record.

08:33AM 6 MR. INCIONG: Good morning, Your Honor. Mark Inciong,

08:33AM 7 Michael Nammar and KeAupuni Akina for the United States. Also

08:33AM 8 present is Kari Sherman and FBI Special Agent Thomas Palmer.

08:33AM 9 THE COURT: Good morning.

08:33AM 10 MR. KENNEDY: Good morning, Your Honor. Michael

08:33AM 11 Kennedy here with Lynn Panagakos, Michael Miske, and Ashley

08:33AM 12 King. Good morning to you all.

08:33AM 13 THE COURT: All right. Good morning to you all as

08:33AM 14 well. You may be seated.

08:33AM 15 Good morning to our 17 persons on our jury. When we

08:33AM 16 adjourned yesterday afternoon, we were still in the direct

08:33AM 17 examination by Mr. Inciong of Mr. Miller. We will resume where

08:33AM 18 we left off.

08:33AM 19 And, Mr. Miller, I will remind you as I did yesterday

08:33AM 20 morning that you remain subject to the same oath that you took

08:33AM 21 upon the inception of your testimony. Do you recall that?

08:34AM 22 THE WITNESS: Yes.

08:34AM 23 THE COURT: Do you agree to that?

08:34AM 24 THE WITNESS: Yes.

25 THE COURT: Okay. Mr. Inciong, you may resume.

1 MR. INCIONG: Thank you, Your Honor.

2 WAYNE MILLER,

3 (Resumed the stand.)

4 RESUMED DIRECT EXAMINATION

08:34AM 5 BY MR. INCIONG:

08:34AM 6 Q Good morning, Mr. Miller.

08:34AM 7 A Good morning.

08:34AM 8 Q I want to just go back and clarify one thing we discussed

08:34AM 9 yesterday in regards to the meeting you had in the Waikiki

08:34AM 10 Elementary School, specifically the Thomas Jefferson Elementary

08:34AM 11 School parking lot with Mr. Miske and Mr. Otake. Do you recall

08:34AM 12 discussing that?

08:34AM 13 A Yes.

08:34AM 14 Q Did you meet with Mr. Otake and Mr. Miske to discuss the

08:34AM 15 Los Angeles cocaine trip on more than one occasion, do you

08:34AM 16 recall?

08:34AM 17 A Yeah, I -- I know it was more than once, but I not sure

08:34AM 18 how much more than that.

08:34AM 19 Q Okay. Was the first time in the elementary school parking

08:34AM 20 lot?

08:34AM 21 A Yes.

08:34AM 22 Q All right. Prior to that meeting, had Mr. Otake been your

08:34AM 23 lawyer in any capacity prior to that?

08:34AM 24 A No.

08:34AM 25 Q Did you ever feel like he was your lawyer?

08:34AM 1 A No.

08:34AM 2 Q You indicated that one of the things that came out of that
08:35AM 3 meeting was you were told that if you were arrested or
08:35AM 4 approached by law enforcement regarding the LA cocaine trip,
08:35AM 5 you should do something in particular, correct?

08:35AM 6 A Yes.

08:35AM 7 Q What was that?

08:35AM 8 A Immediately let them know that -- that Tommy was my
08:35AM 9 lawyer.

08:35AM 10 Q Had you had other discussions like that with Mr. Miske
08:35AM 11 about what you should do if ever approached by law enforcement?

08:35AM 12 A Yeah, he just told -- before like he used to always just
08:35AM 13 tell me like, Hey, even if you get pulled over by one cop or
08:35AM 14 something like that, you never need to talk to them. You don't
08:35AM 15 never give -- gotta give them your name or nothing. You just
08:35AM 16 tell them your -- your attorney's name is so and so.

08:35AM 17 Q Were those private discussions or were there any other
08:35AM 18 people that were present during any of those that you remember?

08:35AM 19 A Oh, I can't remember.

08:35AM 20 Q All right. So where we left off yesterday was you had
08:35AM 21 described how you had this third surgery in Houston and you had
08:36AM 22 been prescribed oxycodone to deal with the pain in the recovery
08:36AM 23 from that.

08:36AM 24 A Yes.

08:36AM 25 Q Okay. Where did you initially go to get that prescription

08:36AM 1 for the oxycodone?

08:36AM 2 A Initially?

08:36AM 3 Q Yes.

08:36AM 4 A Well, the doctor I was going to, she sent me to one -- she

08:36AM 5 sent to one pain -- one pain management place, one doctor.

08:36AM 6 Q Okay. That was the doctor then that prescribed the

08:36AM 7 oxycodone?

08:36AM 8 A Yes.

08:36AM 9 Q Initially remind us what was the prescription or how often

08:36AM 10 and how much were you supposed to take.

08:36AM 11 A I was -- the highest dose, the little blue ones, I don't

08:36AM 12 know the number, but I was supposed to take one every couple of

08:36AM 13 hours.

08:36AM 14 Q Did that solve the pain issue for you, that amount?

08:36AM 15 A I mean I wasn't really -- I wasn't -- at that -- at that

08:36AM 16 point I wasn't really in pain. You know, I was just -- I was

08:36AM 17 just taking 'em because of the -- because the things you go

08:37AM 18 through when -- when you don't take it. I couldn't made it

08:37AM 19 through without it.

08:37AM 20 Q Okay. So are you saying you became addicted at some point

08:37AM 21 to oxycodone?

08:37AM 22 A Yes.

08:37AM 23 Q How quickly did you become addicted after taking it?

08:37AM 24 A Quick. I mean, I would say couple of weeks.

08:37AM 25 Q So what did you do to address that? How did you deal with

08:37AM 1 it?

08:37AM 2 A I just -- I just kept taking more.

08:37AM 3 Q What -- what kind of amounts are we talking about?

08:37AM 4 A From one I went straight to two, three. In couple weeks I
08:37AM 5 was already taking almost five all at once.

08:37AM 6 Q And the prescription was to take two at a time?

08:37AM 7 A No, take one.

08:37AM 8 Q Take one at a time.

08:37AM 9 A The prescription was to take one.

08:37AM 10 Q Okay. So you were taking five times the amount within
08:37AM 11 just a short period of time?

08:37AM 12 A Yes.

08:37AM 13 Q Did it escalate further from there?

08:37AM 14 A Yeah. Yeah.

08:37AM 15 Q Describe it.

08:37AM 16 A Couple of weeks after that I went up six, seven, eight,
08:38AM 17 nine, all the way to double digits. The thing just kept
08:38AM 18 progressing all the way.

08:38AM 19 Q So what was the most number of tablets you took at once
08:38AM 20 while you were taking the oxycodone?

08:38AM 21 A By -- I would say by 2018, I was already -- I was already
08:38AM 22 above 25 at one time by 2018.

08:38AM 23 Q Twenty-five tablets at one time?

08:38AM 24 A Yeah, 25 at once, yeah. Yeah, it was to the point where
08:38AM 25 it wasn't even doing nothing. I had to -- I had to stop for

08:38AM 1 one day, and then take 'em -- I had to stop to till the
08:38AM 2 withdrawals came, and then take 'em just to -- just to feel
08:38AM 3 anything. Like I was taking so much, it wasn't even -- it
08:38AM 4 wasn't even doing nothing.

08:38AM 5 Q So how were you maintaining the supply to take that many?
08:38AM 6 That's way more than you were prescribed.

08:38AM 7 A Yeah, I mean, at first the doctor was giving me -- it was
08:38AM 8 prescribing me over, I would say almost 200 a month -- 180
08:39AM 9 something a month. So at first I would go in and -- I would go
08:39AM 10 in early, he would give me one prescription couple days early,
08:39AM 11 the thing would last a little bit longer, and then after that I
08:39AM 12 started buying 'em off the -- off the street.

08:39AM 13 Q Were you ever -- was your prescription cut off or
08:39AM 14 terminated by --

08:39AM 15 A No.

08:39AM 16 Q Did you take other things that were prescribed to you to
08:39AM 17 deal with the -- the addiction in any way?

08:39AM 18 A Yeah, they -- they tried to give me other stuff, like --
08:39AM 19 but like the stuff that they was trying to give me, I never
08:39AM 20 really -- I never take 'em. They wasn't -- they tried to give
08:39AM 21 me fentanyl patches. He was -- at one point I was getting
08:39AM 22 every -- every pain medication that you could -- that you could
08:39AM 23 be prescribed, and he was giving me oxys and the long-lasting
08:40AM 24 one at the same time and fentanyl patches.

08:40AM 25 Q Sounds like from what you said earlier this was not really

08:40AM 1 a pain issue at some point?

08:40AM 2 A No, it wasn't even -- wasn't even a one pain issue after
08:40AM 3 the first week.

08:40AM 4 Q So how were you buying these extra pills on the street?

08:40AM 5 A What was --

08:40AM 6 Q Where were you getting -- where were you getting them
08:40AM 7 from?

08:40AM 8 A Yeah, I was just getting 'em from people off the street,
08:40AM 9 like -- like, yeah.

08:40AM 10 Q How much were you paying for those?

08:40AM 11 A It was expensive. I mean, at that point I was -- by 2018,
08:40AM 12 I was already full, I was -- I was spending like two grand a
08:40AM 13 day on -- on pills. It was expensive.

08:40AM 14 Q Where were you getting the money to support that habit?

08:40AM 15 A I was -- I was ripping off people. I was -- I was back to
08:40AM 16 selling -- back to selling drugs again.

08:40AM 17 Q Were you employed at all during this time?

08:40AM 18 A Yes.

08:40AM 19 Q Was your -- your salary was not paying -- covering that
08:41AM 20 drug habit, I take it?

08:41AM 21 A No, not at all.

08:41AM 22 Q So you had the surgery in 2015, correct, late 2015?

08:41AM 23 A Yes.

08:41AM 24 Q So this continued for a number of years then?

08:41AM 25 A Yeah, I had the surgery in 2015, yeah, early 2015, and

08:41AM 1 then I went back again like a little bit later, 2015.

08:41AM 2 Q All right. So let me take you back to the end of 2015.

08:41AM 3 So you had --

08:41AM 4 A Oh, yeah, yeah, late -- end of 2015, I mean.

08:41AM 5 Q That's when you had the third surgery, correct?

08:41AM 6 A Yeah, yeah.

08:41AM 7 Q And this was after the car accident that Caleb Miske and
08:41AM 8 Jonathan Fraser had gotten into?

08:41AM 9 A Yes.

08:41AM 10 Q So when you came back from Houston going into 2016, Caleb
08:41AM 11 was still in the hospital?

08:42AM 12 A Yes.

08:42AM 13 Q Were you continuing to visit him during that time?

08:42AM 14 A Yeah, I was there -- I was there every day.

08:42AM 15 Q What was his condition in the beginning of 2016?

08:42AM 16 A 2016 started getting -- started getting real bad. Like
08:42AM 17 that's when -- that's when like -- I not too -- I don't
08:42AM 18 remember, but I know the thing started progressing and getting
08:42AM 19 worse --

08:42AM 20 Q Did you --

08:42AM 21 A -- infection and everything.

08:42AM 22 Q Did you know Caleb well?

08:42AM 23 A Yes.

08:42AM 24 Q What was your relationship with Caleb?

08:42AM 25 A Good. Very good. If we had volume on that -- on that

08:42AM 1 video that we had yesterday, like that was actually you could

08:42AM 2 hear his voice talking to me.

08:42AM 3 Q The jet ski video?

08:42AM 4 A Yes.

08:42AM 5 Q Okay. So did you spend -- were you around him a lot at

08:42AM 6 those times at the bay?

08:42AM 7 A Yes. Yeah.

08:42AM 8 Q What did you know about Jonathan Fraser?

08:43AM 9 A I mean, not much until -- until they started being

08:43AM 10 friends. I just saw -- from what I heard, like he was always

08:43AM 11 getting into trouble, you know, but like minor, you know,

08:43AM 12 speeding, racing. And that's all -- that's really all I heard

08:43AM 13 about him.

08:43AM 14 Q So did Caleb's condition improve or worsen as the year

08:43AM 15 went on in 2016?

08:43AM 16 A 2016 -- okay, try go back to the Fraser question again.

08:43AM 17 You asking me what I knew about him before the -- before the

08:43AM 18 accident?

08:43AM 19 Q Around the time of the accident.

08:43AM 20 A Oh, okay, okay. Yeah. All right, go ahead.

08:43AM 21 Q So then we are going to fast-forward a little bit then to

08:43AM 22 early 2016 --

08:43AM 23 A Okay.

08:43AM 24 Q -- and Caleb was still in the hospital, correct?

08:43AM 25 A Yes.

08:43AM 1 Q Was his condition improving or was he getting worse?

08:44AM 2 A Oh, no, it was getting worse. It was getting worse.

08:44AM 3 Q How bad?

08:44AM 4 A Real bad. You know, like -- like the infection started
08:44AM 5 coming and -- yeah.

08:44AM 6 Q Were you called to the hospital urgently at sometime in
08:44AM 7 March of 2016?

08:44AM 8 A Yeah. The day that -- the day that they found out that he
08:44AM 9 only had -- he only had a few hours to live where he was
08:44AM 10 going -- he had no chance of living. You know, he was just --
08:44AM 11 he was -- he was about to die.

08:44AM 12 Q Where did you learn that information from?

08:44AM 13 A Well, I don't know if he called me, text me or had
08:44AM 14 somebody call, but once I got the -- once I got the message, I
08:44AM 15 went straight down to the hospital.

08:44AM 16 Q Okay. So what was the -- what was the mood like at the
08:44AM 17 hospital at that time?

08:44AM 18 A Had people that had -- had -- Miske's close family was
08:45AM 19 there and -- yeah.

08:45AM 20 Q Did you see Mr. Miske there?

08:45AM 21 A Yes.

08:45AM 22 Q Did you have any conversations with him?

08:45AM 23 A Yes.

08:45AM 24 Q What did you just -- what did you two discuss?

08:45AM 25 A So as soon as I got there, he was in the room.

08:45AM 1 Q When you say "he was in the room," who was --

08:45AM 2 A Miske. Miske was in the room. He was in the room with
08:45AM 3 his son. I went inside there. Everybody -- everybody was
08:45AM 4 around the bed, and Miske, he told me, Hey, let me -- he pulled
08:45AM 5 me to the -- to the room next door, he said, Come on, I gotta
08:45AM 6 talk to you.

08:45AM 7 So he pulled me to the room next door, and he -- yeah,
08:45AM 8 he's crying, he is pouring out what any -- what any dad would
08:45AM 9 do. You know, he it was emotional for his son, his sone was
08:46AM 10 going to die. And that's -- he told me, he said, Hey -- he was
08:46AM 11 suicidal too when he told me he said, Hey, I need you. This
08:46AM 12 kid gotta go, dude. You know, start -- a hundred percent he
08:46AM 13 gotta go. He gotta go. My son is dying, he's going.

08:46AM 14 And so we started hugging each other. And we was in
08:46AM 15 there for a -- for a few -- for some time, and he told me. He
08:46AM 16 said, Hey, go -- I had just gotten out of surgery a few months
08:46AM 17 at that time. He said, Go -- go heal up. I going to put
08:46AM 18 together some different options, some plans. Start buying --
08:46AM 19 start buying -- I mean, he is like I know we get some guns, but
08:47AM 20 start buying what you can, get everything you can. Get --
08:47AM 21 get -- start getting different cars, and go start making some
08:47AM 22 plans with people.

08:47AM 23 Specifically he told me, Go gown to -- go down to the
08:47AM 24 North Shore and see -- what let them know -- let them know what
08:47AM 25 we like do, and start bringing me some options you know. Go

08:47AM 1 heal up, I going to plan my son's funeral, and we'll -- we'll
08:47AM 2 take care of this after -- after the funeral.
08:47AM 3 Q Okay. So when he said "he's gotta go" or "the kid's gotta
08:47AM 4 go," did you know who he was referring to?
08:47AM 5 A Yeah.
08:47AM 6 Q Who was he referring to?
08:47AM 7 A Jon Fraser.
08:47AM 8 Q When he meant "the kid's gotta go," what did that mean?
08:47AM 9 A He wanted -- like he wanted to kill 'em, you know.
08:47AM 10 Q What was your response when he told you those things?
08:47AM 11 A I -- I agreed with him at that time, you know.
08:47AM 12 Q So you agreed to start making these plans or preparations?
08:48AM 13 A Yes.
08:48AM 14 Q Did Caleb eventually pass away on March 12 of 2016?
08:48AM 15 A Yes.
08:48AM 16 MR. INCIONG: Could I show Mr. Miller Exhibit 1-52,
08:48AM 17 please?
08:48AM 18 THE COURT: Go ahead.
08:48AM 19 BY MR. INCIONG:
08:48AM 20 Q Mr. Miller, do you recognize the person that's shown in
08:48AM 21 the photo in 1-52?
08:48AM 22 A Yes.
08:48AM 23 Q Who is that?
08:48AM 24 A Caleb Miske.
08:48AM 25 Q Does that photo accurately show how Caleb Miske

08:48AM 1 appeared --

08:48AM 2 A Yes.

08:48AM 3 Q -- when you knew him?

08:48AM 4 MR. INCIONG: Your Honor, I would move to admit

08:48AM 5 Exhibit 1-52.

08:48AM 6 THE COURT: Any objection?

08:48AM 7 MR. KENNEDY: Your Honor, no objection. But we're --

08:49AM 8 our monitor is off at this time, but I can see it up on the

08:49AM 9 podium's monitor.

08:49AM 10 THE COURT: All right. We'll try to get that fixed.

08:49AM 11 Without objection, 1-52 is admitted.

08:49AM 12 You moved to admit 1-52; is that correct?

08:49AM 13 MR. INCIONG: Yes.

08:49AM 14 THE COURT: All right. That exhibit should be

08:49AM 15 admitted.

08:49AM 16 (Exhibit 1-52 was received in evidence.)

08:49AM 17 MR. INCIONG: Thank you, Your Honor.

08:49AM 18 THE COURT: You may publish.

08:49AM 19 MR. INCIONG: Thank you.

08:49AM 20 BY MR. INCIONG:

08:49AM 21 Q So this is Caleb Miske, Mr. Miller?

08:49AM 22 A Yes.

08:49AM 23 MR. INCIONG: May I show Mr. Miller Exhibit 1-32 at

08:49AM 24 this time, please?

08:49AM 25 THE COURT: Yes.

08:49AM 1 BY MR. INCIONG:

08:49AM 2 Q Do you recognize the person shown in that picture?

08:49AM 3 A Yes.

08:49AM 4 Q Who is that?

08:49AM 5 A Fraser.

08:49AM 6 Q Did you know his first name?

08:49AM 7 A Oh, yeah, Jon -- Jonathan.

08:49AM 8 Q Does the picture accurately show Mr. Fraser as you knew
08:49AM 9 him to look?

08:49AM 10 A Yes.

08:49AM 11 MR. INCIONG: Your Honor, I would move to admit 1-32.

08:49AM 12 MR. KENNEDY: No objection, Your Honor.

08:49AM 13 THE COURT: Without objection, 1-32 is admitted.

14 (Exhibit 1-32 was received in evidence.)

15 THE COURT: Has that monitor been --

16 MR. KENNEDY: It has not.

17 THE COURT: Not yet.

18 MR. KENNEDY: But I can see it up on the monitor here,
19 Your Honor.

08:50AM 20 THE COURT: All right. You may publish.

08:50AM 21 MR. INCIONG: Thank you, Your Honor.

08:50AM 22 BY MR. INCIONG:

08:50AM 23 Q That is Jonathan Fraser, Caleb Miske's friend?

08:50AM 24 A Yes.

08:50AM 25 Q That was the individual that was in the car with him

08:50AM 1 during the accident?

08:50AM 2 A Yes.

08:50AM 3 MR. INCIONG: Okay. We can take that down for the

08:50AM 4 moment. Thank you.

08:50AM 5 BY MR. INCIONG:

08:50AM 6 Q Was there a funeral service for Caleb Miske?

08:50AM 7 A Yes.

08:50AM 8 Q Did you attend that?

08:50AM 9 A Yes.

08:50AM 10 Q After you left the hospital the day that Caleb Miske

08:50AM 11 passed away, did you follow up and make good on what Mr. Miske

08:50AM 12 had requested of you?

08:50AM 13 A Yes, making up -- making -- giving him options and

08:50AM 14 grabbing -- grabbing the stuff, yes.

08:50AM 15 Q So what specifically did you do?

08:50AM 16 A Well, first I went down to the -- I went down to the North

08:50AM 17 Shore. I started talking to -- started talking to Dusky Boy

08:50AM 18 about 'em and what -- what Miske wanted done.

08:51AM 19 Q So let me just interrupt you for one second right there.

08:51AM 20 So Dusky Boy is who?

08:51AM 21 A Dusky Boy Toledo, the guy who you had on the board

08:51AM 22 yesterday.

08:51AM 23 MR. INCIONG: Okay. Could we pull up 1-1081, which

08:51AM 24 was admitted yesterday, I believe.

08:51AM 25 And if I could publish that, Your Honor?

08:51AM 1 THE COURT: Yes, go ahead.

08:51AM 2 MR. INCIONG: Thank you.

08:51AM 3 BY MR. INCIONG:

08:51AM 4 Q This is Dusky Toledo?

08:51AM 5 A Yes.

08:51AM 6 Q Okay. So you went up to the North Shore to speak with
08:51AM 7 him?

08:51AM 8 A Yes.

08:51AM 9 Q And what did you speak with Mr. Toledo about?

08:51AM 10 A About getting everything together, coming up with one
08:51AM 11 plan. I told him -- I told him that Caleb had just died and
08:51AM 12 what -- what Mikey wanted done, you know. And so we started
08:52AM 13 talking about 'em. He was -- he was game. He was -- he said
08:52AM 14 all right, me and him agreed.

08:52AM 15 Q Was there anything offered to Mr. Toledo in order to
08:52AM 16 become a part of this?

08:52AM 17 A Yeah, I mean, I -- I never shoot it to him, but I shoot it
08:52AM 18 to him like, Hey, Miske needed one favor, you know, but he said
08:52AM 19 as far as -- as far as monetary, never matter. You know, he
08:52AM 20 just wanted 'em done basically. And whatever he wanted after,
08:52AM 21 just --

08:52AM 22 Q What did that mean, monetary doesn't matter? Explain what
08:52AM 23 that means.

08:52AM 24 A Yeah, like if -- if he wanted couple hundred grand or
08:52AM 25 something after, like he just said, No matter, whatever --

08:52AM 1 whatever you need. Just Miske was like, Whatever you guys
08:52AM 2 need, just let me know. So money, the price never matter. He
08:52AM 3 just wanted 'em done.

08:52AM 4 Q Okay. So there was going to be a price, though.

08:52AM 5 A Yeah, but wasn't one set price, you know. It was more of
08:53AM 6 a favor, and then after the thing was done, he could request
08:53AM 7 whatever he wanted.

08:53AM 8 Q Okay. Did you know whether Mr. Toledo and Mr. Miske knew
08:53AM 9 each other?

08:53AM 10 A Yes.

08:53AM 11 Q How did they know each other?

08:53AM 12 A I introduced them.

08:53AM 13 Q Okay. So they were familiar with each other?

08:53AM 14 A Yes.

08:53AM 15 Q During this conversation with Dusky Toledo, did you have a
08:53AM 16 specific -- a specific plan that was discussed?

08:53AM 17 A Not -- so this -- not -- at the initial discussion --

08:53AM 18 Q Okay.

08:53AM 19 A -- we was just -- we was just talking about 'em, and
08:53AM 20 then -- and then I told him, I said, Hey, grab -- grab
08:53AM 21 everything right now. We get up to Caleb's funeral. Caleb's
08:53AM 22 funeral is coming up very soon. So I said start -- start
08:53AM 23 getting some stuff together. I said, Just grab -- I know you
08:53AM 24 got plenty -- I told him, I know you get plenty guns and stuff,
08:53AM 25 but he wanted whatever you could find -- whatever you could

08:54AM 1 find at the time.

08:54AM 2 Q Okay. So grabbing stuff, you gotta explain what that

08:54AM 3 means. What does grabbing stuff mean?

08:54AM 4 A Well, mainly -- mainly guns with him. Yeah, mainly guns

08:54AM 5 with him. I did all -- I did all the other stuff that -- that

08:54AM 6 he wanted.

08:54AM 7 Q Okay. What other stuff is that?

08:54AM 8 A Wires, weights, and shit like that, you know.

08:54AM 9 Q Were these things that you got on your own or were the

08:54AM 10 specific requests made to you?

08:54AM 11 A Yeah.

08:54AM 12 Q Which? Which?

08:54AM 13 A From Miske, he told me to grab those -- grab those things.

08:54AM 14 Q Did he give you instructions about where you should obtain

08:54AM 15 those things?

08:54AM 16 A Yeah, he told me no go -- no go into stores and grab 'em.

08:54AM 17 Like go find them on like Craigslist, swap meet, garage sales,

08:54AM 18 and shit like that. Like he told me, No walk into -- no walk

08:54AM 19 into Home Depot and grab that.

08:54AM 20 Q Okay. So were you able to acquire those things?

08:54AM 21 A Yes.

08:54AM 22 Q Did you have additional meetings with Dusky Toledo about

08:55AM 23 this?

08:55AM 24 A Yes.

08:55AM 25 Q How much later did that occur?

08:55AM 1 A A number of times leading up to -- leading up to Caleb's
08:55AM 2 funeral. I went down there quite a lot. I was staying -- I
08:55AM 3 was staying in Waipio at the time, so his house was 20-minute
08:55AM 4 drive, maybe less.

08:55AM 5 Q So were there more specific details discussed at that
08:55AM 6 point?

08:55AM 7 A Yes.

08:55AM 8 Q Tell us about those.

08:55AM 9 A So -- so, yeah, the -- what we discussed was -- was -- so
08:55AM 10 Miske had -- like he was planning on -- on getting close to
08:55AM 11 Fraser, you know. Like he was planning on getting close to
08:55AM 12 Fraser, he was telling -- he was telling me -- he was telling
08:55AM 13 'em like, Hey, this is what my -- this is what my son would
08:55AM 14 have wanted, you know, me -- us to forgive each other. He told
08:55AM 15 me that Fraser was calling him uncle again. You know, so he
08:55AM 16 was getting 'em close to -- he was closing 'em close and --

08:56AM 17 Q So why was that important?

08:56AM 18 A So the plan that -- that I had discussed with Dusky -- he
08:56AM 19 lives in the North Shore, it's very -- I don't think they
08:56AM 20 even -- on the way to his house they don't even got a
08:56AM 21 stoplight. They got like a blinking yield light, yellow light,
08:56AM 22 but they got empty roads down there, pineapple fields, sugar
08:56AM 23 cane fields, tall grass.

08:56AM 24 So the way -- the way Dusky and me was talking about,
08:56AM 25 Dusky had a boat down there. He had access to boat harbors

08:56AM 1 going off the -- of the bay right from his house. And he said,
08:56AM 2 Hey, if -- if Miske can -- can just get close to him, bring him
08:56AM 3 down to over here, down there get one road, just one empty
08:56AM 4 road. They don't even use that road, but surrounded by tall
08:57AM 5 sugar cane, like -- like grass.

08:57AM 6 And he was like, Hey, if you can just bring him down
08:57AM 7 here, we can -- we can be waiting down there in a -- in a car
08:57AM 8 or something like that. He can just drop him off to us, take
08:57AM 9 him to the -- take him to the -- everything going to be set up
08:57AM 10 already, drop him off at the boat, take him off to the ocean,
08:57AM 11 and then -- and then kill him out there. That's what -- that
08:57AM 12 was the discussion between -- between us.

08:57AM 13 Q Okay. Did you know whether Dusky Toledo had a boat
08:57AM 14 himself that he was going to use for that?

08:57AM 15 A Yes, he did. Dusky had a boat.

08:57AM 16 Q Did you relay on this plan to Mr. Miske?

08:57AM 17 A Yeah, so -- so when I told -- when I told -- I was telling
08:57AM 18 Miske, I said, Hey, I gotta talk to you. So -- in person, he
08:57AM 19 was like, Hey meet me -- meet me -- I gotta a message too.

08:58AM 20 Meet me at Outback Steakhouse, we going to meet over there at a
08:58AM 21 certain time, say like 4:00. So no phones, no -- no -- nothing
08:58AM 22 on you. Just not your own car. Just meet me over there
08:58AM 23 exactly at this time. I just using 4:00 as an example.

08:58AM 24 So, now I gotta go -- I leave my house, jump in a car,
08:58AM 25 switch cars, jump in another car, switch cars, park, and then I

08:58AM 1 was sitting in front of Outback Steakhouse, no phone, no way to
08:58AM 2 get in touch with anybody. I just got to -- I know he
08:58AM 3 always -- he always -- whatever time he say he going to be
08:58AM 4 there, he going to be there.

08:58AM 5 So I'm sitting at -- on the Chili's bench -- I mean,
08:58AM 6 not Chili's, but Outback in front of the steakhouse just
08:58AM 7 waiting. Then I see one car just pull up like that and just
08:58AM 8 stop in front of me. Miske, he don't roll down the windows.
08:59AM 9 He don't beep the horn. Nothing. So I'm just staring -- the
08:59AM 10 car is tinted, I'm wondering if that was him.

08:59AM 11 So after a few minutes I knew that that was him
08:59AM 12 because he was just parked right there exactly where I could
08:59AM 13 see him. So I jump in the car with him. I take him down
08:59AM 14 there, we agree on this -- I tell him the plan. We go to the
08:59AM 15 road, that rural road in the middle of the North Shore with
08:59AM 16 the -- with the sugar cane, and I start -- I tell him the plan
08:59AM 17 that -- that Dusky had -- me and Dusky had discussed.

08:59AM 18 And we get out, we stop right there, we start looking
08:59AM 19 around. No cars was coming through that road. And -- and I
08:59AM 20 told him the plan, and he liked it. Like he liked -- he liked
08:59AM 21 the plan. And I told him the fact that Dusky had one boat.
08:59AM 22 And he was like, I like that. I like that. I like that Dusky
09:00AM 23 Boy get one boat. You know, like to the terms like you not a
09:00AM 24 real G until you get one boat, you know. And then --
09:00AM 25 Q You're not a real what?

09:00AM 1 A G.

09:00AM 2 Q A G. What does that mean?

09:00AM 3 A Like gangsta. Like you're not a real gangsta until you
09:00AM 4 get one boat.

09:00AM 5 Q Okay.

09:00AM 6 A We was discussing the whole -- the whole situation what
09:00AM 7 was going on. Miske was going to bring him down. He was going
09:00AM 8 to be close to him, Hey, Uncle, going to meet you over there,
09:00AM 9 jump in with these guys, we're going to go fishing.

09:00AM 10 But at that time we're talking -- we're in the middle
09:00AM 11 of the sugar cane field, we're talking, and -- he wanted -- he
09:00AM 12 wanted to be more involved. You know, he wanted to -- he liked
09:00AM 13 it, but he wanted to be more involved somehow. He never like
09:00AM 14 just be the one that dropped him off. You know, it was like
09:00AM 15 personal for him.

09:01AM 16 But he liked the plan. You know, he liked -- he liked
09:01AM 17 that Dusky had a boat, because he always used to stress to me,
09:01AM 18 like he always used to tell me, I like that. You know why?
09:01AM 19 Because no body, no case. You know, he always used to tell me,
09:01AM 20 you know, how hard it is for them to -- to convict somebody for
09:01AM 21 murder if you got no body. No body, no case. Fuck, for all we
09:01AM 22 know -- and if they cannot find the body, they could be in --
09:01AM 23 they could be in Mexico somewhere.

09:01AM 24 Q Okay. So he liked in particular the part about that there
09:01AM 25 was a boat involved.

09:01AM 1 A Yes.

09:01AM 2 Q Did you later learn whether Mr. Miske had obtained his own
09:01AM 3 boat?

09:01AM 4 A Yes.

09:01AM 5 Q How did you find out about that?

09:01AM 6 A He told me.

09:01AM 7 Q Did you ever see that boat?

09:01AM 8 A Yes.

09:01AM 9 MR. INCIONG: Could we show Mr. Miller Exhibit 1-0551
09:01AM 10 at this time, please?

09:01AM 11 BY MR. INCIONG:

09:02AM 12 Q Mr. Miller, do you recognize what's shown in that picture?

09:02AM 13 A Yes.

09:02AM 14 Q How do you recognize that?

09:02AM 15 A That's his whaler right there.

09:02AM 16 Q Is this the boat --

09:02AM 17 A I've been -- I've been on that boat.

09:02AM 18 Q This is the boat you're referring to that Mr. Miske
09:02AM 19 acquired after you had this conversation?

09:02AM 20 A Yes.

09:02AM 21 Q Does this picture accurately show the boat as you saw it
09:02AM 22 when you were on it on about that time?

09:02AM 23 A Yes.

09:02AM 24 MR. INCIONG: Your Honor, I would move to admit
09:02AM 25 1-0551.

09:02AM 1 THE COURT: Any objection?

09:02AM 2 MR. KENNEDY: No objection, Your Honor.

09:02AM 3 THE COURT: Without objection, 1-0551 is admitted.

09:02AM 4 You may publish.

09:02AM 5 (Exhibit 1-0551 was received in evidence.)

09:02AM 6 MR. INCIONG: Thank you, Your Honor. May I publish?

09:02AM 7 THE COURT: Yes.

09:02AM 8 BY MR. INCIONG:

09:02AM 9 Q So this is the -- what was the name of this boat?

09:02AM 10 A Painkiller.

09:02AM 11 Q You've been on -- you've been on that boat?

09:02AM 12 A Been on his boat.

09:02AM 13 Q Do you know where Mr. Miske kept that boat after he
09:02AM 14 acquired it?

09:02AM 15 A At the Ala Moana harbor. That's where I seen him at, at
09:03AM 16 the harbor. Whenever we used to go out on 'em, we used to go
09:03AM 17 right there across from Ward.

09:03AM 18 Q Did Mr. Miske ever explain to you how he purchased the
09:03AM 19 boat or how much he purchased it for?

09:03AM 20 A Well, this -- the way -- this is MO. Like he just told me
09:03AM 21 when he bought the boat, he was negotiating with the guy, and
09:03AM 22 he bought the boat for -- I forget what was the price was --
09:03AM 23 hundreds of thousands, though. But like I don't know exactly,
09:03AM 24 but at the end he told me like, Hey, the guy -- I gave the guy
09:03AM 25 one stuff, I owed him like hundred grand, and that was the last

09:03AM 1 payment, he gave me the papers. I was like -- you know, he
09:03AM 2 told me he -- he just wen' stiff 'em. He never even give the
09:03AM 3 last -- he didn't give the guy the last payment, the last
09:03AM 4 hundred grand.

09:03AM 5 Q Because he had the -- the title?

09:03AM 6 A Yeah, he had the title. Like I gave -- like he gave him
09:03AM 7 the initial, and then he owed him like one certain amount of
09:03AM 8 money more, but the guy gave him the papers for the boat. He
09:04AM 9 was like, Fuck this guy, you know.

09:04AM 10 Q So when you went back to -- or after you had this
09:04AM 11 conversation with Mr. Miske on this rural road, did you go back
09:04AM 12 to Dusky Toledo and discuss it more with him?

09:04AM 13 A Yes.

09:04AM 14 Q Did Dusky Toledo have any issues at that point?

09:04AM 15 A Yeah, well, when I was telling Dusky, I said, hey, he
09:04AM 16 liked -- he liked the plan, he liked the option, and -- but he
09:04AM 17 would like be more involved.

09:04AM 18 So Dusky wanted to do him. He said, Hey, if I'm going
09:04AM 19 to -- I'm going to do this -- if I going do this, going be my
09:04AM 20 way, you know what I mean. Because I don't like -- I don't
09:04AM 21 like more parties being involved. You know, like if I going do
09:04AM 22 this, it going be -- going to be my way.

09:04AM 23 Q Okay. So did that seem to be an option that was going to
09:04AM 24 work out?

09:04AM 25 A Well, now I'm going -- kind of going back and forth, you

09:04AM 1 know, but that was an option that was still open, you know, but
09:05AM 2 just was different views on 'em.

09:05AM 3 Q Okay. Well, when you were still discussing that option,
09:05AM 4 did you have any discussion with other people who would be
09:05AM 5 involved in this plan, specifically in assisting bringing
09:05AM 6 Mr. Fraser up to the North Shore?

09:05AM 7 A Bringing Fraser up to the North Shore?

09:05AM 8 Q Yes.

09:05AM 9 A Oh, it was just -- it was just Miske. Because he was --
09:05AM 10 he was already getting close with him. You know, he was
09:05AM 11 telling me, he said, Hey, I already -- I getting close with
09:05AM 12 him.

09:05AM 13 At that time he was like -- around that time he was
09:05AM 14 like he bought him a car. You know, he was -- he rented couple
09:05AM 15 apartments down there in Hawaii Kai, he bought him a car. Like
09:05AM 16 he was staying pretty close to him.

09:05AM 17 Q Okay. Let me have you look at Exhibit 1-0033, please.

09:06AM 18 Do you recognize who is shown in this photograph?

09:06AM 19 A Yes.

09:06AM 20 Q Who is that?

09:06AM 21 A Norman Akau.

09:06AM 22 Q Was there any discussions with Norman Akau during this
09:06AM 23 time?

09:06AM 24 A Yes.

09:06AM 25 Q What were those about?

09:06AM 1 A I can't -- I just was asking him and Zeph, one of the two
09:06AM 2 guys, like I -- I was just going around feeling out people, you
09:06AM 3 know. And I don't know if --
09:06AM 4 Q Okay. Well, hold on one second before you get too far
09:06AM 5 ahead. So who is Zeph?
09:06AM 6 A One of Norman's close friends, Zeph -- Zeph Salas.
09:06AM 7 Q All right. So when you said you were going around asking,
09:06AM 8 asking what? What does that mean?
09:06AM 9 A Well, Norman is my cousin, so that's my -- Norman is my
09:06AM 10 blood cousin.
09:06AM 11 MR. INCIONG: Okay. Your Honor, may --
09:06AM 12 BY MR. INCIONG:
09:06AM 13 Q Does this picture accurately show how your cousin
09:06AM 14 Mr. Akau -- Norman Akau appears?
09:06AM 15 A Yes.
09:06AM 16 MR. INCIONG: Your Honor, I would move to admit 1-33.
09:07AM 17 THE COURT: Any objection?
09:07AM 18 MR. KENNEDY: No objection.
09:07AM 19 THE COURT: Without objection, 1-33 is admitted. You
09:07AM 20 may publish.
09:07AM 21 (Exhibit 1-0033 was received in evidence.)
09:07AM 22 MR. INCIONG: Your Honor, may I publish that? And may
09:07AM 23 I also place that photo on the face board along with that of
09:07AM 24 Mr. Toledo, Exhibit 1-1081, at this time?
09:07AM 25 THE COURT: Yes to both.

09:07AM 1 MR. INCIONG: Thank you.

09:07AM 2 BY MR. INCIONG:

09:07AM 3 Q So this is your cousin Norman Akau?

09:07AM 4 A Yes.

09:07AM 5 Q So tell the jury what you talked about with Norman Akau

09:07AM 6 and his friend Zeph Salas.

09:07AM 7 A I was just asking them -- I no can remember. I was just

09:07AM 8 asking them if there was -- if they was interested, you know.

09:07AM 9 And I -- and I know I offered them money. I know I offered

09:07AM 10 them money because -- but I don't know the amount.

09:07AM 11 Q Interested means what? Interested --

09:07AM 12 A Interested in killing somebody.

09:07AM 13 Q Did you name the individual?

09:07AM 14 A I'm sure -- I'm sure I did, but I cannot remember because

09:07AM 15 with them, I had named more than one person, you know. So --

09:08AM 16 but I know -- I know if I -- if I did name 'em, I know I never

09:08AM 17 say his name. You know, like I said, Hey, this -- if you like

09:08AM 18 make some money, I get somebody that like down this boy, like

09:08AM 19 that.

09:08AM 20 Q Do you recall whether Mr. Akau, your cousin, agreed to

09:08AM 21 help or not?

09:08AM 22 A Oh, he wanted to talk to Zeph first. He said, Hey, let me

09:08AM 23 talk to Zeph.

09:08AM 24 Q So did he come back to you after that later?

09:08AM 25 A Yeah.

09:08AM 1 Q And give you an answer?

09:08AM 2 A Yeah.

09:08AM 3 Q What was the answer?

09:08AM 4 A Yes.

09:08AM 5 Q So was there anyone else that you were talking to or any
09:08AM 6 other plans that you were making during this same approximate
09:08AM 7 time?

09:08AM 8 A With Miske?

09:08AM 9 Q In regard to what he had asked you, to kill Mr. Fraser.

09:09AM 10 A Yes, so now -- just like he was telling me for make some
09:09AM 11 plans, right, Miske was talking to me about -- about different
09:09AM 12 plans that -- that he wanted me to be involved in too.

09:09AM 13 Q And what were those plans?

09:09AM 14 A So he had couple different options. He rented these
09:09AM 15 two -- he rented these two apartments back to back in -- in
09:09AM 16 Hawaii Kai. The back of the door, the screen door lead
09:09AM 17 straight out to the water where you can just pull something up
09:09AM 18 and go right into the water.

09:09AM 19 And around that time he was kind of -- everything was
09:09AM 20 moving fast because -- because he had -- he had Fraser -- he
09:09AM 21 bought him one car already. He had -- I don't know what living
09:09AM 22 situation they was going through, Fraser and his -- and his
09:09AM 23 girlfriend. But he had told him, Hey, I get one house over
09:10AM 24 here, you guys can move into the house, you know.

09:10AM 25 And he told me he got those apartments specifically

09:10AM 1 for that, because he got one back to back, one that he -- he
09:10AM 2 was staying in sometimes and one that was meant for the --
09:10AM 3 Fraser and them to stay in.

09:10AM 4 Q Okay. Let me have you stop there for a minute and have
09:10AM 5 you look at Exhibit 2-23, please.

09:10AM 6 Do you recognize the area that's shown in this map,
09:10AM 7 Mr. Miller?

09:10AM 8 A Yes.

09:10AM 9 Q Is that the area where this apartment or condo was located
09:10AM 10 that you just described?

09:10AM 11 A Yes.

09:10AM 12 Q And what part of the -- the island is this?

09:10AM 13 A This is Hawaii Kai area, like Aina Haina.

09:10AM 14 Q So is Exhibit 2-23 an accurate map of that area as you
09:10AM 15 know it?

09:10AM 16 A Yes.

09:10AM 17 MR. INCIONG: Your Honor, I would move to admit
09:10AM 18 Exhibit 2-23.

09:10AM 19 MR. KENNEDY: No objection, Your Honor.

09:10AM 20 THE COURT: I'm thinking I need to clarify what this
09:11AM 21 area covers. He said, This is Hawaii Kai area like Aina Haina.
09:11AM 22 Well, Aina Haina and Hawaii Kay are vastly different, as you
09:11AM 23 know.

09:11AM 24 BY MR. INCIONG:

09:11AM 25 Q Mr. Miller is this Hawaii Kai or Aina Haina?

09:11AM 1 A I don't know. I just know this whole -- for me I call it
09:11AM 2 Hawaii Kai from -- from Kahala to Hanauma Bay. So I can name
09:11AM 3 some places over here if you like. Right here is the little
09:11AM 4 canoe shack right there that's always there.

09:11AM 5 Q Well, let me ask it this way: Does this map show the area
09:11AM 6 in which this apartment was located that you became aware of?

09:11AM 7 A Yes.

09:11AM 8 Q And does it accurately show that -- that portion of the
09:11AM 9 island, whether it's Hawaii Kai or known by any other name?

09:11AM 10 A Yes.

09:12AM 11 MR. INCIONG: Your Honor, I would move to admit at
09:12AM 12 this time.

09:12AM 13 THE COURT: Any objection?

09:12AM 14 MR. KENNEDY: No objection, Your Honor.

09:12AM 15 THE COURT: Without objection, 2-23 is admitted.

09:12AM 16 (Exhibit 2-23 was received in evidence.)

09:12AM 17 MR. INCIONG: Thank you, Your Honor. May I publish
09:12AM 18 that?

09:12AM 19 THE COURT: Yes.

09:12AM 20 BY MR. INCIONG:

09:12AM 21 Q So, Mr. Miller, this is the area you described where the
09:12AM 22 apartment is located?

09:12AM 23 A Yes.

09:12AM 24 Q And that red dot, is that an approximate location of where
09:12AM 25 the apartment was?

09:12AM 1 A Yes.

09:12AM 2 Q You just circled it with the green?

09:12AM 3 A Mm-hmm, that's where -- that's where the apartments I
09:12AM 4 think -- the back of 'em open right up to the -- to that little
09:12AM 5 -- that little harbor right there.

09:12AM 6 Q Okay. So those are -- there's water behind the units
09:12AM 7 there in that area, it looks like; is that correct?

09:12AM 8 A Yes.

09:12AM 9 Q Okay. Let me have you look at Exhibit 2-24 next, please.
09:12AM 10 Do you recognize what's shown in this photo?

09:12AM 11 A Yes.

09:12AM 12 Q How do you recognize that?

09:12AM 13 A That's the -- that's the apartments where -- where -- that
09:13AM 14 garage right there is where he kept the jet skis. Those two
09:13AM 15 apartments at the end is the apartments that he rented, the --
09:13AM 16 the lower two apartments.

09:13AM 17 Q These are the apartments that you're referencing that
09:13AM 18 Mr. Miske had rented in that Hawaii Kai neighborhood?

09:13AM 19 A Yes.

09:13AM 20 Q Does that photo accurately show the -- the entrance and
09:13AM 21 the units from that particular angle?

09:13AM 22 A Yes.

09:13AM 23 MR. INCIONG: Your Honor, I would move to admit
09:13AM 24 Exhibit 2-24.

09:13AM 25 THE COURT: Any objection?

09:13AM 1 MR. KENNEDY: No objection.

09:13AM 2 THE COURT: Without objection, 2-24 is admitted. You
09:13AM 3 may publish.

09:13AM 4 (Exhibit 2-24 was received in evidence.)

09:13AM 5 MR. INCIONG: Thank you, Your Honor.

09:13AM 6 BY MR. INCIONG:

09:13AM 7 Q So is this the -- the entry that residents or people
09:13AM 8 visiting, I guess, would come in and drive in to that
09:13AM 9 particular complex, sir?

09:13AM 10 A Yes.

09:13AM 11 Q And you indicated that you could see the units in this
09:13AM 12 shot. Is that true?

09:13AM 13 A Yeah, I know that -- but I know these corner units on the
09:13AM 14 bottom over there, that's what look like.

09:13AM 15 Q Okay. Let me have you look at one other photo at this
09:14AM 16 time, Exhibit 2-101, please.

09:14AM 17 MR. INCIONG: 2-101.

09:14AM 18 BY MR. INCIONG:

09:14AM 19 Q Mr. Miller, while we are waiting for that, let me ask you
09:14AM 20 a related but separate topic. So were you ever aware of an
09:14AM 21 incident involving Mr. Miske and Mr. Fraser over a watch?

09:14AM 22 A Yes.

09:14AM 23 Q How did you become aware of that incident?

09:14AM 24 A So I never know about the initial incident to where there
09:14AM 25 was -- I know that at one time Caleb was -- him and Caleb, they

09:15AM 1 was like just -- they was friends. I think they was like
09:15AM 2 sleeping at the beach or in their cars and stuff like that.
09:15AM 3 But they were staying at Miske's -- one night Caleb wen' open
09:15AM 4 the shop, stay -- stay at his office, sleep at his office. And
09:15AM 5 they found out that the watch that -- Rolex watch that Miske
09:15AM 6 had gave his son was missing. And Fraser wasn't with him
09:15AM 7 anymore.

09:15AM 8 So after I found out about 'em, like there was -- they
09:15AM 9 went chasing somewhere, couldn't get the watch back or anything
09:15AM 10 like that. And, yeah, I mean the only part I -- I knew was one
09:15AM 11 time they was in -- like Johnnie and them and Kaulana and them,
09:15AM 12 I think they was calling him about something, meeting up for
09:15AM 13 one car or something like that.

09:15AM 14 Q Just hold on one second. So Johnnie and them is who?
09:16AM 15 A Kaulana Freitas.
09:16AM 16 Q Okay. And you said Johnnie. Who is Johnnie?
09:16AM 17 A Johnnie Stancil.
09:16AM 18 Q And they were meeting him. Who is "him"?
09:16AM 19 A Like it -- Fraser.
09:16AM 20 Q Were you present or involved with that at all?
09:16AM 21 A Where, with them calling 'em?
09:16AM 22 Q Yes.
09:16AM 23 A No.
09:16AM 24 Q Did you ever go to the location they were?
09:16AM 25 A Yeah.

09:16AM 1 Q Okay. Where --

09:16AM 2 A The only location I was in -- that I went to was Johnnie
09:16AM 3 and Kaulana them -- this is what I was told from Mikey -- they
09:16AM 4 called him and met at the -- they were supposed to meet about
09:16AM 5 something at one park in Kaneohe. So -- and it had a bunch of
09:16AM 6 people there.

09:16AM 7 So Miske had called me, I had met up -- I had met up
09:16AM 8 with Miske at -- in Kalihi, and he told me, Hey, go grab -- go
09:16AM 9 grab one piece. He told me go grab one gun. So --

09:17AM 10 Q Why?

09:17AM 11 A I don't know. He never tell me why at that time. He
09:17AM 12 just -- he never explain to me why at that time. He just told
09:17AM 13 me go grab one, and I never -- I never questioned him at the
09:17AM 14 time.

09:17AM 15 So I had one car parked in Makiki. I drove over
09:17AM 16 there, had one gun inside, I wen' grab the gun out the car, and
09:17AM 17 then drove down to -- to Kaneohe, and --

09:17AM 18 Q What did you find when you got there?

09:17AM 19 A Well, Miske had -- had a bunch of people parked in the
09:17AM 20 parking lot. So I had one gun on me, so I don't know what he
09:17AM 21 was going tell me after that. So had a bunch of people that
09:17AM 22 was parked over there. I mean that was -- that was with Miske
09:17AM 23 in the parking lot. Miske, Josiah --

09:17AM 24 Q Who is Josiah?

09:17AM 25 A I don't know Josiah -- oh, Josiah Akau. I would say

09:17AM 1 Johnnie and them, Johnnie and Kaulana.

09:17AM 2 Q That's John Stancil and Kaulana Freitas?

09:17AM 3 A John Stancil, Kaulana. Russell Boy.

09:18AM 4 Q Who is Russell Boy?

09:18AM 5 A Moscoto. Miske. They was -- they was all over there. So

09:18AM 6 I seen them all over there all grouped up. And I had one gun

09:18AM 7 on me, so I never like go to the crowd. So I parked on the --

09:18AM 8 on the -- across from the park where they was at, got one

09:18AM 9 parking lot with one swimming pool and a gym and a boxing gym.

09:18AM 10 So I just parked over there -- parked my truck over there, and

09:18AM 11 I was just waiting for Miske to say what was going on.

09:18AM 12 And, yeah, I guess the kid never like meet 'em at that

09:18AM 13 time, and they -- they couldn't get 'em. That's what I was

09:18AM 14 told after the fact, that they -- he never like meet or they

09:18AM 15 couldn't get him. And Johnnie them couldn't get them to

09:18AM 16 actually come and meet them.

09:18AM 17 Q Okay. So you never saw him there, you never saw

09:18AM 18 Mr. Fraser?

09:18AM 19 A I never seen him -- I never seen him over there, but he

09:18AM 20 was supposed to meet -- he was supposed to meet them. They was

09:19AM 21 setting him up for meet him over there.

09:19AM 22 Q How long were you there?

09:19AM 23 A I was there like maybe -- maybe couple of hours. I just

09:19AM 24 sat and waited across from where he had that crowd set up at.

09:19AM 25 Yeah, because I only remember that because I was like

09:19AM 1 having -- I was eating dinner with my family, and when he
09:19AM 2 called me, I just remember like -- I never even tell them I had
09:19AM 3 to leave, but I just -- I just left, you know. Like I just
09:19AM 4 left the dinner and I never called, never said why. I just let
09:19AM 5 the dinner.

09:19AM 6 Q What was so urgent to cause you to leave like that?

09:19AM 7 A When he -- when he -- when he called me, he said, Hey,
09:19AM 8 meet me right now, you know, in Kalihi. I never -- I never --
09:19AM 9 he never tell me what was for, he never tell me nothing. It
09:19AM 10 was just an urgent -- that's -- we had that relationship to
09:19AM 11 like I could just read him and could tell something was --
09:19AM 12 something was up.

09:19AM 13 Q Okay. About how long did that incident take place? Was
09:20AM 14 this before the car accident, after the car accident?

09:20AM 15 A Before.

09:20AM 16 Q Before. Okay.

09:20AM 17 A Before the car accident.

09:20AM 18 Q All right. So let me have you look now -- we'll go back
09:20AM 19 to Exhibit 2-101. Do you see that in front of you?

09:20AM 20 A Yes.

09:20AM 21 Q Do you recognize that?

09:20AM 22 A Yes.

09:20AM 23 Q How do you recognize that?

09:20AM 24 A That's the gate to where the two apartments was. The
09:20AM 25 garage is over here on the right. And so one of these swinging

09:20AM 1 gates right here, I think get one like this on this side that
09:20AM 2 you need a key for open 'em, but you could -- you can jump over
09:20AM 3 the wall and open 'em from the inside.
09:20AM 4 Q Okay. So those are like a pedestrian gate?
09:20AM 5 A Yeah.
09:20AM 6 Q Does this photo accurately show that entrance to those
09:20AM 7 condos or apartments in Hawaii Kai you described?
09:20AM 8 A Yes.
09:20AM 9 MR. INCIONG: Your Honor, I would move to admit 2-101.
09:21AM 10 THE COURT: Mr. Kennedy, any objection?
09:21AM 11 MR. KENNEDY: No objection.
09:21AM 12 THE COURT: Without objection, 2-101 is admitted. You
09:21AM 13 may publish.
09:21AM 14 (Exhibit 2-101 was received in evidence.)
09:21AM 15 MR. INCIONG: Thank you, Your Honor.
09:21AM 16 BY MR. INCIONG:
09:21AM 17 Q So this is just a different angle of that same gate I
09:21AM 18 believe we saw in the last photo; is that correct?
09:21AM 19 A Yes.
09:21AM 20 Q And the circle you have there, that's the pedestrian gate
09:21AM 21 that you were pointing out?
09:21AM 22 A Yes.
09:21AM 23 Q All right. Do you know whether or not Mr. Fraser ever
09:21AM 24 moved into these condos?
09:21AM 25 A Yes.

09:21AM 1 Q How do you know that?

09:21AM 2 A I seen him there. I mean, he was -- he was there.

09:21AM 3 Q Okay. Who was --

09:21AM 4 A I don't even know if he knew that Mikey had the apartment
09:21AM 5 on the -- on the opposite side next to 'em, but it was right --
09:21AM 6 it was close together.

09:21AM 7 So I used to always go over there, and this is
09:21AM 8 around -- this is around the same time -- before Fraser was in
09:21AM 9 there, he had like -- he had like workers that he was -- that
09:21AM 10 he was letting stay there because they was building his Lumahai
09:22AM 11 house. That's what he told me, but...

09:22AM 12 Q Was Fraser there living -- was Fraser living there alone?

09:22AM 13 A No, he was with -- he was with -- Delia was there, Ashley
09:22AM 14 was there. Johnnie was staying on the -- on the apartment to
09:22AM 15 the left for a little while.

09:22AM 16 Q So Delia is who?

09:22AM 17 A Delia is Caleb's baby mama.

09:22AM 18 Q Caleb's -- and his wife?

09:22AM 19 A Yeah, his wife. Yeah.

09:22AM 20 Q Ashley is who?

09:22AM 21 A Ashley is -- that was Fraser's girlfriend.

09:22AM 22 Q Did you know Ashley's last name?

09:22AM 23 A No.

09:22AM 24 Q So what reason would you be there, would you be visiting?

09:22AM 25 A I was -- I used to -- I seen Mikey on the daily since I --

09:22AM 1 since I came out of prison at that point. I see him -- I see
09:22AM 2 him every day, so -- whether it's at the shop, I go there with
09:22AM 3 him, but -- so one specific time that I'm there, he talking to
09:23AM 4 me about -- about different options over there. And we walk
09:23AM 5 into the other apartment and he tells me, he says, Hey, this
09:23AM 6 fucking kid -- he was like -- he was sitting -- like he had his
09:23AM 7 back towards me and they was like trimming something on him
09:23AM 8 like his hair or something like that. And he told me --
09:23AM 9 Q You mean giving him a haircut? Is that what you mean?
09:23AM 10 A Huh?
09:23AM 11 Q Giving him a haircut, is that what you mean?
09:23AM 12 A I don't know if they was giving him a haircut or not, but
09:23AM 13 what -- he told me like -- they was trimming something, like
09:23AM 14 they was shaving, you know, maybe the -- like he was giving him
09:23AM 15 a haircut kind of -- kind of similar but not all the way.
09:23AM 16 You know, but this is what he was telling me. Like he
09:23AM 17 had a chair -- he was sitting in the bathroom, he had his back
09:23AM 18 faced -- Fraser's back was facing Miske, you know. They was
09:23AM 19 doing something with his hair, and he said -- he said, I wen'
09:23AM 20 look like that. And I was like -- I was like, fuck, I had
09:23AM 21 to -- I had to hold back. I wanted to just grab this fucker
09:24AM 22 from the back, choke him, choke him out, and then take him
09:24AM 23 right out -- take him right out of the back door to the ocean.
09:24AM 24 You know, he said that went through his head.
09:24AM 25 Q Mr. Miske told you that's what he was thinking?

09:24AM 1 A Yeah, he said -- he said, I had to hold back -- I had to
09:24AM 2 hold back from doing that at that time. And he was like -- he
09:24AM 3 was like, What they going say? He supposed to be here, his
09:24AM 4 hair supposed to be here. He was staying here, you know.
09:24AM 5 That's what -- that's what he told me.
09:24AM 6 Q So meaning referring to any evidence being left behind?
09:24AM 7 A Any evidence being left behind. You know, it's not like
09:24AM 8 he wasn't here. Yeah, he was here, he's supposed to be here.
09:24AM 9 He was staying here.
09:24AM 10 Q Did Mr. Miske say why he did hold back instead of actually
09:24AM 11 going ahead and doing that?
09:24AM 12 A No, he never say. He never -- he just told me took a lot
09:24AM 13 for him not to do that at that point, you know. Like he's --
09:24AM 14 he's a calculating person, you know. So I'm sure a lot of
09:25AM 15 things went through his mind that day.
09:25AM 16 Q So how do -- how would you describe Ashley Wong and
09:25AM 17 Jonathan Fraser's relationship?
09:25AM 18 A I don't know the relationship personally, but from -- from
09:25AM 19 what he used to describe to me, when he was making plans --
09:25AM 20 when we was making plans together --
09:25AM 21 Q And "he" is Mr. Miske?
09:25AM 22 A "He" is Mr. Miske. He used to tell me, These fuckers is
09:25AM 23 connected at the hip. If she go put gas -- if he go put gas,
09:25AM 24 she go put gas. If he walk into the store for grab one fucking
09:25AM 25 lollypop, she going inside to get the same lollypop, you know,

09:25AM 1 like that. If they go shower, they go shower together. He

09:25AM 2 said, This fucking two is connected at the hip. They do

09:25AM 3 everything together.

09:25AM 4 Q Why did that matter to Miske?

09:25AM 5 A He wanted -- he wanted to get her out the way. Like he

09:25AM 6 wanted -- all his plans was -- was set up, but he wanted to get

09:25AM 7 Ashley out the way.

09:25AM 8 Q So he could do what?

09:26AM 9 A So he could kill Fraser.

09:26AM 10 Q Do you know how it came to be that Mr. Fraser was actually

09:26AM 11 living in that condo?

09:26AM 12 A I think they was having problems or something, I don't

09:26AM 13 know. But he seen -- he seen the opportunity and -- and he

09:26AM 14 took 'em. Like I said, at that point he already bought him a

09:26AM 15 car. He already -- he already was telling him, Hey, this is

09:26AM 16 what -- this is what my son would have wanted. You know, so he

09:26AM 17 was -- if they -- if they would say, No more place for stay, he

09:26AM 18 was already -- he was already uncle already to him.

09:26AM 19 Q And "he" is Mr. Miske?

09:26AM 20 A "He" is Mr. Miske. Miske was already uncle to him. He

09:26AM 21 said, He was calling me uncle.

09:26AM 22 You know, Miske used to -- Miske used to call me -- in

09:26AM 23 this same time period, Miske used to call me like FaceTime me

09:26AM 24 like that, talk to me like that, and then just flash in the

09:26AM 25 back of his -- of his Rover Fraser sitting in the back seat,

09:27AM 1 you know, like that. Just, boom, like that, and then turn 'em
09:27AM 2 away like that, you know, for show me like -- and then later on
09:27AM 3 he used to, when I used to meet up with him in person, he was
09:27AM 4 like -- he was like, Look, fucking, I doing my part. You know
09:27AM 5 what I mean? Do yours. That's what he used to tell me. Like
09:27AM 6 he get him -- get him close already. He got the -- he got the
09:27AM 7 hooks in him already, you know.

09:27AM 8 Q You mentioned a car that he bought Mr. Fraser.

09:27AM 9 A Yes.

09:27AM 10 Q Can I show you Exhibit 2-48 at this time, please.

09:27AM 11 Do you recognize what's shown in that photo,
09:27AM 12 Mr. Miller?

09:27AM 13 A Yes.

09:27AM 14 Q How do you recognize that?

09:27AM 15 A I seen this car few times, it was parked outside of the --
09:27AM 16 outside of the apartments when he was staying there. And then
09:28AM 17 when me and Miske used to drive down that dead-end loop right
09:28AM 18 there, he was sitting down right there, and he told me that's
09:28AM 19 the kind car they like, these little racing cars.

09:28AM 20 MR. INCIONG: Your Honor, I believe this has already
09:28AM 21 been admitted into evidence, and I would move to publish it at
09:28AM 22 this time.

09:28AM 23 THE COURT: Yes, it has been and you may.

09:28AM 24 MR. INCIONG: Thank you, Your Honor.

09:28AM 25 BY MR. INCIONG:

09:28AM 1 Q So this is the car that you recognized that Mr. Miske
09:28AM 2 bought Jonathan Fraser?

09:28AM 3 A Yes.

09:28AM 4 Q And you saw that car parked on the -- on the street
09:28AM 5 outside these condos that we've been talking about?

09:28AM 6 A Yes.

09:28AM 7 Q Now, you mentioned that Mr. Miske had talked to you about
09:28AM 8 how Jonathan Fraser and Ashley Wong were connected at the hip,
09:28AM 9 I think was the term you used.

09:28AM 10 A Yeah, that's the term I used to use.

09:28AM 11 Q Did he tell you about any plans to -- to separate them?

09:28AM 12 A Yeah.

09:28AM 13 Q Tell us about those.

09:28AM 14 A Well, he told me -- he told me he had Delz. That's --
09:29AM 15 Delz is Caleb's wife, baby mama. He told me -- one of the
09:29AM 16 plans that me and him had talked about was -- was -- we was
09:29AM 17 parked outside one day at the dead-end loop right there looking
09:29AM 18 at the -- looking at the car. We just parked right there
09:29AM 19 idling, air conditioner on, and turn on the radio, and we were
09:29AM 20 talking about -- he was like, Hey, if -- if Delz can take the
09:29AM 21 girl away, we can sit right here, and -- and as soon as he come
09:29AM 22 out, jump in his car, follow him, tell him, Hey, let's go, we
09:29AM 23 go fishing right now, you know. So after we go fishing, boom,
09:29AM 24 take him to the boat -- to the harbor right there. I'll be
09:29AM 25 waiting in the cabin of the boat.

09:29AM 1 He had -- he had stuff that could turn the -- the
09:29AM 2 tracking devices off in the boat, we could just go. He would
09:30AM 3 always tell me triple Merc, you could just fuckin' -- we could
09:30AM 4 just book 'em out there. This thing is quick, you know.
09:30AM 5 And --
09:30AM 6 Q Let me -- let me follow up on a few questions. So Triple
09:30AM 7 Merc, what are you referring to?
09:30AM 8 A The Mercury -- the Mercury motors on the -- on the boat.
09:30AM 9 That's what he used to call 'em, triple Mercs.
09:30AM 10 Q Is this the Painkiller you're referring to?
09:30AM 11 A The Painkiller, yeah. The Boston whaler.
09:30AM 12 Q Okay. So that was the boat he was referring to?
09:30AM 13 A Yes.
09:30AM 14 Q So what about this turning off the tracking, what did you
09:30AM 15 mean by that?
09:30AM 16 A He had -- he had one guy that -- again, this is what he
09:30AM 17 told me, he had one guy that used to fix his skis, his jet
09:30AM 18 skis, that knew how to turn off the GPS devices and stuff that
09:30AM 19 was in his boat.
09:30AM 20 Q And why was that important?
09:30AM 21 A Because if -- if something happened, they wouldn't be able
09:30AM 22 to track 'em. You know, if that plan went, if the plan that
09:31AM 23 was set that day went through, they wouldn't be able to track
09:31AM 24 the -- the boat, how far the thing went, where the thing went.
09:31AM 25 Q Okay. I see.

09:31AM 1 A Yeah, that's what --

09:31AM 2 Q All right. So go on, you were talking about how the
09:31AM 3 discussion about separating Ashley Wong with using Delia's
09:31AM 4 help.

09:31AM 5 A Yeah.

09:31AM 6 Q So how was that going to happen?

09:31AM 7 A Oh, he was going schedule one -- like one nail day or one
09:31AM 8 spa day where Delz could just take the girl away. You know, he
09:31AM 9 said that's the only way that -- that's the only way you can
09:31AM 10 separate 'em. Otherwise, like if you no do 'em like that, he
09:31AM 11 would be waiting outside the spa or the nail place for 'em.

09:31AM 12 Q Okay. So that was -- so this was a separate plan or
09:31AM 13 option to --

09:31AM 14 A Yeah, that was -- that was one different option.

09:32AM 15 Q Did you ever have any discussions about any of these
09:32AM 16 options or others with Jason Yokoyama?

09:32AM 17 A So Jason Yokoyama, I cannot say I discussed one plan with
09:32AM 18 him, you know.

09:32AM 19 Q Okay.

09:32AM 20 A But -- but a bit before we -- a week before Fraser got --
09:32AM 21 got murdered, we met at one -- we met at one Filipino
09:32AM 22 restaurant. Me and Miske was there first, Filipino restaurant
09:32AM 23 in Kalihi on -- on King Street.

09:32AM 24 Q Why were you meeting there with Mr. Miske?

09:32AM 25 A We was there -- we was there every day. I mean, we was

09:32AM 1 together every day, so I'm always meeting him talking about
09:32AM 2 something.

09:32AM 3 Q Okay. But on this particular day, why? Do you recall
09:32AM 4 why?

09:32AM 5 A So at that point we're discussing like the -- like his
09:32AM 6 plans is already -- is already rolling. You know, he's got
09:33AM 7 multiple plans, and he's just waiting to tell me when -- in his
09:33AM 8 terms when all the -- all the stars line up, you know.
09:33AM 9 Everything is ready to go. You know, different cars parked.

09:33AM 10 Q That was the term he used?

09:33AM 11 A That's the term he used. Every -- like the plan was set,
09:33AM 12 just waiting for all of the stars to line up.

09:33AM 13 Q Okay.

09:33AM 14 A So we're at this -- we're at this Filipino restaurant, and
09:33AM 15 we're talking about certain stuff.

09:33AM 16 Jason pulls -- I never know he was coming. But Jason
09:33AM 17 pulls up, and he comes into the restaurant with us. Miske
09:33AM 18 walks off for a few minutes, and Jason is talking about -- he's
09:33AM 19 talking to me like, Hey, why don't you talk to this guy.
09:33AM 20 What's up, whatever? If somebody can talk to him, you can talk
09:33AM 21 to him. And if he -- if he like somebody go with him, he like
09:33AM 22 he volunteer himself to -- to help him out. That's the only
09:33AM 23 conversation I had with him.

09:34AM 24 Q That's what Jason was saying to you?

09:34AM 25 A Yeah, that's what Jason was saying to me.

09:34AM 1 Q Mr. Miske was not present at that time?

09:34AM 2 A He walked out for like -- he jumped on the phone real
09:34AM 3 quick and then came back in. Because Jason knows he's not
09:34AM 4 going to talk like that in front of Miske, you know.

09:34AM 5 Q Did you bring anything to that meeting in particular that
09:34AM 6 had anything to do with these plans, or did Mr. Yokoyama that
09:34AM 7 you recall?

09:34AM 8 A Yokoyama brought -- Yokoyama brought -- to that meeting,
09:34AM 9 he brought one -- he brought one silver like bag that you
09:34AM 10 keep -- that you could put fish inside. He brought a silver
09:34AM 11 fish bag, look like a surfboard bag, like you could stick one
09:34AM 12 surfboard inside. But this was for put fish, like if you
09:34AM 13 caught -- if you caught ahi or something way out in the ocean,
09:34AM 14 you could put 'em in this bag and nothing would leak out of the
09:34AM 15 bag.

09:34AM 16 Q How big was this bag approximately?

09:34AM 17 A I mean, like I say, you could probably fit one surfboard
09:34AM 18 inside there.

09:35AM 19 Q Okay. Did you see Mr. Yokoyama give that fish bag to
09:35AM 20 Mr. Miske?

09:35AM 21 A Yes.

09:35AM 22 Q And what did Mr. Miske do with it?

09:35AM 23 A Okay, so he never -- like Miske never pull out his hands
09:35AM 24 and put 'em inside, but Yokoyama was in one -- he was in a
09:35AM 25 burner car, and he wasn't in his regular car. So he came

09:35AM 1 out -- came out the car -- the bag was folded up. He came out

09:35AM 2 the car. Miske wen' pop his trunk, he wen' throw the bag

09:35AM 3 inside and close 'em. Yeah.

09:35AM 4 Q Now, you mentioned before you were gathering these various

09:35AM 5 items that Mr. Miske requested, wire, weights --

09:35AM 6 A Yes.

09:35AM 7 Q -- guns. Were there vehicles that you obtained for him

09:35AM 8 for that purpose?

09:35AM 9 A Yes.

09:35AM 10 Q Do you recall any specific vehicles you had obtained just

09:35AM 11 prior to this meeting with Mr. Yokoyama?

09:35AM 12 A Well, so -- so Yokoyama, Jason, before -- before that

09:35AM 13 happened -- this now we're going back before that meeting,

09:35AM 14 maybe a week or something before that meeting. Before that

09:36AM 15 meeting at the Filipino restaurant, he gets in contact with me

09:36AM 16 and he's bringing two -- he's bringing two burner cars down

09:36AM 17 there. One of them was like one SUV. All the burners was like

09:36AM 18 family looking cars. You know.

09:36AM 19 Q Okay. And he's bringing them where?

09:36AM 20 A To Waipahu, in the area right there by -- by McDonald's

09:36AM 21 get street -- get like streets over there to where get

09:36AM 22 apartments, and if you no more one parking stall, you gotta

09:36AM 23 park on the street.

09:36AM 24 Q Why there?

09:36AM 25 A Huh?

09:36AM 1 Q Why there?

09:36AM 2 A I told you that's where we parked cars like that. We park
09:36AM 3 'em all in -- in places that you gotta -- you gotta move 'em
09:36AM 4 around.

09:36AM 5 Q Okay. So -- what one was an SUV. What was the other one
09:36AM 6 for?

09:36AM 7 A One was a white van.

09:36AM 8 Q So he brought -- how did he bring two of you at one time?

09:36AM 9 A I don't know how he brought 'em, but by the time he called
09:36AM 10 me for give me the keys, one was parked over here and he was
09:37AM 11 jumping out the -- the van. So whoever brought him -- whoever
09:37AM 12 brought him over there, but you're going to have to ask Jason
09:37AM 13 that question, not me.

09:37AM 14 Q So did you take the keys at that time?

09:37AM 15 A Yeah, I took both of the keys, yeah.

09:37AM 16 Q Okay. Did you ever meet again with Mr. Yokoyama to give
09:37AM 17 the keys back to either of those vehicles?

09:37AM 18 A Yes. Yes.

09:37AM 19 Q When was that?

09:37AM 20 A So after -- after that -- after that meeting at the
09:37AM 21 Filipino restaurant in Kalihi, Mikey sent word to me, Hey,
09:37AM 22 Yokoyama is coming for the -- specifically is coming for the
09:37AM 23 van, the white van. So I said, Okay.

09:37AM 24 And Jason comes down, hey, he going be there in --
09:37AM 25 he's going to be there at 4:00. All right. At 4:00, I walk

09:37AM 1 out my girlfriend's house, I walk down the street, and then
09:37AM 2 Jason is walking down the street, and I seen one Escalade was
09:38AM 3 dropping him off. So he's walking down the street, he come and
09:38AM 4 talk to me. I gave him -- I said, Hey, you coming from the
09:38AM 5 van? He said, Yeah, yeah, I gotta give this -- Miske is asking
09:38AM 6 me for the van.

09:38AM 7 So I gave him the keys for the van, and I gotta walk
09:38AM 8 down the road for show him where this van is parked. You know,
09:38AM 9 because those cars, you always had to move 'em around. So if I
09:38AM 10 was holding stuff inside of something and if I ever need 'em, I
09:38AM 11 used to just start 'em up and move 'em, so the -- so the
09:38AM 12 battery no die.

09:38AM 13 Q But did you show him where the van was parked?

09:38AM 14 A Yes.

09:38AM 15 Q Did you see him leave in that van?

09:38AM 16 A Yes.

09:38AM 17 Q Did you ever see that van again?

09:38AM 18 A No.

09:38AM 19 Q Now, going back to -- I mentioned just a few minutes ago
09:38AM 20 these items that you were obtaining for Mr. Miske. Couple of
09:38AM 21 them were weights and wires. Do you remember that?

09:38AM 22 A Mm-hmm.

09:38AM 23 Q What was your understanding of why the weights and wires
09:39AM 24 were needed?

09:39AM 25 A He never tell me -- I knew -- I knew what the thing was

09:39AM 1 for.

09:39AM 2 Q So what was your understanding?

09:39AM 3 A Like -- like he --

09:39AM 4 MR. KENNEDY: Objection, Your Honor. Speculation.

09:39AM 5 THE COURT: Overruled. Go ahead.

09:39AM 6 THE WITNESS: Huh?

09:39AM 7 THE COURT: Go ahead.

09:39AM 8 THE WITNESS: Oh, okay.

09:39AM 9 Yeah, I know -- I know what the thing was for. Like

09:39AM 10 if -- when the -- when the kid was going die, wrap 'em up, put

09:39AM 11 the weights, and send 'em in the ocean.

09:39AM 12 BY MR. INCIONG:

09:39AM 13 Q What would that do?

09:39AM 14 A What -- what would do?

09:39AM 15 Q What would using the weights and wire, what would that do?

09:39AM 16 A Oh, that would sink him down to the bottom. That would

09:39AM 17 send him down to the bottom.

09:39AM 18 Q So you agreed with Mr. Miske to help him prepare and plan

09:39AM 19 for Mr. Fraser's murder?

09:39AM 20 A Yes.

09:39AM 21 Q Other than obtaining these various items that you've

09:39AM 22 described over the last day and earlier today, did you

09:40AM 23 participate in the murder of Jonathan Fraser?

09:40AM 24 A No.

09:40AM 25 Q How did you find out Mr. Fraser had been killed?

09:40AM 1 A So, I never know he -- he was gone until the day after. I
09:40AM 2 don't know social media, I don't really watch the -- I no more
09:40AM 3 know Facebook or nothing, so I never really hip to that. I
09:40AM 4 rarely watch the news.

09:40AM 5 So the day after I was at -- I was at my girlfriend's
09:40AM 6 house again watching my son, and he came over there, Miske came
09:40AM 7 to my -- my girlfriend's house over in Waipio.

09:40AM 8 Q Did he tell you he was coming before he arrived?

09:40AM 9 A No. No, he just came.

09:40AM 10 Q So it was a surprise for you to see him there?

09:40AM 11 A Yes.

09:40AM 12 Q How would you describe Mr. Miske's demeanor at that time?

09:40AM 13 A So let -- let me go back. I wasn't surprised to see him
09:41AM 14 because I would just pop up on him. And strangely, for my
09:41AM 15 whole life, he always popped up on me, you know. Like he
09:41AM 16 always -- in a -- in one good way like -- I don't know. He
09:41AM 17 always just popped up on me, you know. So I wasn't -- I wasn't
09:41AM 18 surprised to see him when he came to the house. I was --

09:41AM 19 Q So you weren't surprised --

09:41AM 20 A Huh?

09:41AM 21 Q You weren't surprised --

09:41AM 22 A No.

09:41AM 23 Q -- but you didn't know he was coming.

09:41AM 24 A I never know he was coming, no.

09:41AM 25 Q Okay. So tell us about when he arrives at your house.

09:41AM 1 A So come to my house. I said, Hey, come inside. Open the
09:41AM 2 door, screen door, come inside.

09:41AM 3 Then he tell me, What's up? Talk to my son a little
09:41AM 4 bit. And then he tell me, Hey, you never heard what happened?
09:41AM 5 And I was like -- I was like, What? And then he told me he
09:41AM 6 said, Done. Done deal already. I got him. And at that point
09:42AM 7 I knew he -- I knew what he was talking about.

09:42AM 8 Q What was he talking about?

09:42AM 9 A Fraser. Fraser was gone. He did him already.

09:42AM 10 You know, so at that point he started -- he started --
09:42AM 11 he threw 'em right in my face, you know, because --

09:42AM 12 Q What do you mean?

09:42AM 13 A Like he threw 'em in my face, like, Hey, I did him. I did
09:42AM 14 him my way, and I did him without you, you know. When I needed
09:42AM 15 you, you wasn't there for me. So he started -- he started /the
09:42AM 16 mental game he started putting on me, you know, at that -- at
09:42AM 17 that meeting.

09:42AM 18 Q Did he share any details with you at that time about
09:42AM 19 what -- how it had happened?

09:42AM 20 A Yeah. So going back to leading up in the few weeks before
09:42AM 21 he -- before he go, right? I never thought he was going do
09:42AM 22 him. I mean, I really never thought he was going do him. So
09:43AM 23 when he -- because he always said that kind of stuff, so I
09:43AM 24 never thought he really was going do him.

09:43AM 25 And when he told me that the thing was done, I -- I

09:43AM 1 was surprised that he did him. I was like, Damn, he really --
09:43AM 2 he was serious when he was talking to me about 'em.

09:43AM 3 And so going back, he tells me, I did him -- I did him
09:43AM 4 my way. I did him without you. You know, he said when I
09:43AM 5 needed you, you wasn't -- you wasn't there for me. And
09:43AM 6 everything I did for you, you wasn't -- you wasn't there for
09:43AM 7 me. You know, so...

09:43AM 8 Q Did Mr. Miske mention his son at all during this
09:43AM 9 conversation?

09:43AM 10 A Yeah.

09:43AM 11 Q How so?

09:43AM 12 A He told me, Hey, you -- you would be proud of me. You
09:43AM 13 know, you would be proud of me. Everything was -- everything
09:43AM 14 went -- all the stars wen' line up. Everything wen' perfect.
09:43AM 15 Everything wen' good. Left my house, switch -- switch multiple
09:44AM 16 cars, underground over here, parking over here, you know. Down
09:44AM 17 to the T, exactly how we wen' plan 'em, but I did 'em without
09:44AM 18 you. That's what he -- that's how he is.

09:44AM 19 Q Did Mr. Miske express any satisfaction at that point?

09:44AM 20 A Well, he was -- he said, Never help. You know, he said --
09:44AM 21 he said the pain is still there of his son dying, you know.
09:44AM 22 But he told me after -- after it was done, he said, I went out
09:44AM 23 there and go see my son. I went out there, jump in the water,
09:44AM 24 go see him, and let him know that -- that the promise that I
09:44AM 25 made to him was done. Yeah, that's what he -- that's what he

09:44AM 1 told me about -- about that.

09:44AM 2 Q So how would you describe like the mood at the time

09:45AM 3 between you two?

09:45AM 4 A It was quiet for a little bit because I was -- I was

09:45AM 5 thinking a lot. You know, I was -- I couldn't believe that he

09:45AM 6 did it, you know. I still never believe. I was like, Damn, he

09:45AM 7 really -- he really did it.

09:45AM 8 But I knew he was serious when he got into telling me

09:45AM 9 that how his son was -- how he went to go see his son and let

09:45AM 10 him know that the promise that he made, he did. It's done.

09:45AM 11 Q Was Mr. Miske emotional while he was telling you this?

09:45AM 12 A Well, of course he was emotional. But -- but more he was

09:45AM 13 there for -- he was there for shove it in my face, you know.

09:45AM 14 He was there for -- and I knew at that point, what wen' through

09:45AM 15 my head, I was like, man, this guy going -- I was thinking

09:45AM 16 right there like for the rest of my life, this guy going to

09:45AM 17 try, you know, mentally attack me, now like fuck, I wasn't I

09:46AM 18 wasn't there for him, you know. I never thought he was going

09:46AM 19 do 'em. I was doubting him, and he did 'em.

09:46AM 20 Q Was that the last time you and Mr. Miske ever discussed

09:46AM 21 this?

09:46AM 22 A No. No. We discussed 'em multiple times after that, not

09:46AM 23 in -- not in full length and not as -- not as emotional as that

09:46AM 24 first time, but he told me multiple times, different places.

09:46AM 25 Q Did he tell you other additional details that you didn't

09:46AM 1 know about the first time you spoke about who was involved

09:46AM 2 or --

09:46AM 3 A Yeah, yeah, yeah. He told me -- well, even at that first

09:46AM 4 meeting he told me -- he told me, he said -- he said, Yeah

09:46AM 5 because of you, I had to use dummies like fucking -- like

09:46AM 6 Hammah, you know.

09:46AM 7 And Hammah is Lance Bermudez. That was his nickname.

09:46AM 8 And even more, I was still in shock. I was like -- I

09:46AM 9 was like, Why the fuck you use -- why the fuck you use -- use

09:47AM 10 him? And he was like, No, but he was there, he came through.

09:47AM 11 You wasn't there. That's all that matters, you wasn't there.

09:47AM 12 Q So you had these additional discussions later on as time

09:47AM 13 went on. Did the story stay consistent or did it change at all

09:47AM 14 as to how it had happened?

09:47AM 15 A Yeah, I mean -- the thing would change like -- but in a

09:47AM 16 way that he was telling me. Like, Okay, Hammah -- Hammah

09:47AM 17 wasn't -- when I would tell him, What the fuck you use guys

09:47AM 18 like Hammah for? You know. And he would shoot me back like, I

09:47AM 19 don't give a fuck.

09:47AM 20 But Hammah would be in jail, and then he would be

09:47AM 21 like, Fuck, you should bail him out and fucking kill him. You

09:47AM 22 know, he wouldn't say kill, but like you should fucking merc

09:47AM 23 this fucker. Like that, you know. But then times again after

09:47AM 24 that, like I said, he would say, I don't give a fuck -- I don't

09:48AM 25 give a fuck what people think. I would never use fucking

09:48AM 1 idiots like that.

09:48AM 2 So he would throw me -- he would throw me mixed

09:48AM 3 signals. That's how he is. He throws something to you, and

09:48AM 4 you the only person that he told, so if it comes back to him,

09:48AM 5 he know that you the one that told -- talking about 'em.

09:48AM 6 Q Have you experienced that before where there were

09:48AM 7 different -- he would tell you different versions of the same

09:48AM 8 event?

09:48AM 9 A Yes. Yes.

09:48AM 10 Q And the purpose was then he could tell who was talking

09:48AM 11 if you --

09:48AM 12 A Yeah. Yeah, that's -- like he tell you -- he will tell

09:48AM 13 you -- he would tell you one version and only you, and if the

09:48AM 14 thing came back to him, he knew that -- that you said something

09:48AM 15 about that.

09:48AM 16 Q Did he ever tell you where Jonathan Fraser was or where he

09:48AM 17 had left him?

09:48AM 18 A No. He told me he just out there.

09:48AM 19 Q Did you ever see Jonathan Fraser again?

09:48AM 20 A No.

09:48AM 21 Q Did you notice any changes in Mr. Miske after he had told

09:49AM 22 you this?

09:49AM 23 A Yeah.

09:49AM 24 Q What changes did you see?

09:49AM 25 A He felt -- he felt emboldened. You know, I think he -- he

09:49AM 1 finally got to where he always wanted to be. You know, he
09:49AM 2 was -- not only now he was successful, now he was -- now he was
09:49AM 3 feared, you know. Nobody -- everybody that looked down on him
09:49AM 4 earlier in his life could no longer do that, you know.

09:49AM 5 Q Did he act on that in any way that you knew?

09:49AM 6 A Rephrase that -- that question.

09:49AM 7 Q Based on what you just described, did he take any action?

09:49AM 8 A Take any action -- what kind of action?

09:49AM 9 Q You said these past wrongs that you referenced that were
09:49AM 10 past wrongs --

09:49AM 11 A Yeah, yeah, yeah.

09:49AM 12 Q -- did he try to right those wrongs in any way?

09:49AM 13 A Yeah. Like after he -- after that was done, after he was
09:50AM 14 like -- you know, you could tell everybody look at him
09:50AM 15 different now, you know, like -- like -- I don't know. You
09:50AM 16 look at somebody and know that they wen' kill somebody, but
09:50AM 17 they are able to walk around and they are successful, make them
09:50AM 18 feel like they -- you know, make them feel like he unstoppable.

09:50AM 19 Q Okay. What about your relationship with him, did that
09:50AM 20 change after that?

09:50AM 21 A Yeah, our relationship. Yeah.

09:50AM 22 Q How did that change?

09:50AM 23 A Our relationship got bad after that. Real bad. It was
09:50AM 24 the worst. Worst it's ever been. You know.

09:50AM 25 Q And why was that?

09:50AM 1 A Okay. So if we go back leading up to Fraser's murder,
09:50AM 2 right, I'm already -- I'm already on oxy. I'm taking
09:50AM 3 maximum -- I'm already past 20 at a time -- multiple times a
09:51AM 4 day. So he's noticing this now. You know, he looking at me,
09:51AM 5 my pupils is small, you know. I'm always -- I'm always -- my
09:51AM 6 voice is cracking. And I not as -- I not as reliable as I used
09:51AM 7 to be when I talk to him. So our relationship started
09:51AM 8 deteriorating fast, you know, because he look at me like --
09:51AM 9 like I was one druggie, you know, like I was fucked up on these
09:51AM 10 oxys and --
09:51AM 11 Q Were you?
09:51AM 12 A Yeah.
09:51AM 13 Q Did you ever tell your -- any of your treating doctors how
09:51AM 14 much you were actually taking at a time of these oxycodone?
09:51AM 15 A No. No. The doctors, they don't -- I don't know why they
09:51AM 16 no care, but you just -- you go over there sometimes and you
09:51AM 17 don't even gotta see them, they just -- the prescription is
09:51AM 18 waiting for you at the receptionist desk, you just go over
09:52AM 19 there and grab the prescription and walk out. You know. You
09:52AM 20 don't even need -- and if you go over there, the doctor just
09:52AM 21 grab his little rubber hammer, pound your -- how this feel?
09:52AM 22 Oh. You know. Okay, you get a prescription. You don't need
09:52AM 23 anything else, I give you this. And you're gone.
09:52AM 24 Q All right. So despite the fact that your relationship was
09:52AM 25 kind of going downhill, it sounded like. Is that -- would that

09:52AM 1 be accurate?

09:52AM 2 A Yes.

09:52AM 3 Q Did Mr. Miske continue to ask you to do any things for
09:52AM 4 him?

09:52AM 5 A Yes.

09:52AM 6 Q What sorts of things?

09:52AM 7 A Yeah, so after the -- after Fraser's -- after the Fraser
09:52AM 8 murder, he went -- he was -- he was kicking back a little
09:52AM 9 while. He did a lot of rubbing in my face, but he was like,
09:52AM 10 Hey, you know, get -- get something done already. Get
09:52AM 11 something done already.

09:53AM 12 You know, this -- this guy was -- he started
09:53AM 13 complaining about this guy that was -- he was in the union over
09:53AM 14 there at the -- at the ILWU union. His name was Elgin. I
09:53AM 15 don't know his full name at that time. We used to just call
09:53AM 16 him A -- A1.

09:53AM 17 Q Miske called him A1?

09:53AM 18 A Yeah.

09:53AM 19 Q And he told you he -- he was affiliated with the union
09:53AM 20 somehow?

09:53AM 21 A Yes.

09:53AM 22 Q So what else did Mr. Miske tell you, if anything?

09:53AM 23 A He told me that -- that the connection that he used to
09:53AM 24 have, this guy Elgin was blocking him, you know, like he was
09:53AM 25 taking his -- the guy he had over there that could just -- that

09:53AM 1 could just get him jobs like that before was blocking him, like
09:53AM 2 he was in the union hall pounding the tables. So...

09:53AM 3 Q The person you knew as Al --

09:53AM 4 A Yeah.

09:53AM 5 Q -- had replaced someone that Mr. Miske knew?

09:54AM 6 A I don't know if it was replaced, but he was blocking him.
09:54AM 7 You know, he just told me that he was blocking him from being
09:54AM 8 able to do what he -- what he could do before that.

09:54AM 9 Q And what was that?

09:54AM 10 A Huh?

09:54AM 11 Q Do what?

09:54AM 12 A Get people -- get people in like nothing, you know. Be
09:54AM 13 able to through his connection get people jobs, get people
09:54AM 14 working over there on the docks.

09:54AM 15 Q So this is the stevedores union?

09:54AM 16 A Yes. Yeah, ILWU, I think so.

09:54AM 17 Q Did you know whether Mr. Miske had gotten those sorts of
09:54AM 18 jobs for any of his friends or relatives?

09:54AM 19 A Yeah.

09:54AM 20 Q Who?

09:54AM 21 A I mean, I'm not -- I'm not there, but I know -- I know
09:54AM 22 Johnnie was working there.

09:54AM 23 Q John Stancil?

09:54AM 24 A John Stancil was working there, his brother. His son --
09:54AM 25 his son was working there.

09:54AM 1 Q Caleb Miske?

09:54AM 2 A Caleb was working there.

09:54AM 3 Q All right. So what did Mr. Miske tell you he wanted to
09:54AM 4 have happen since he had this person blocking him now?

09:55AM 5 A So at first with this guy Elgin, he was like -- he was
09:55AM 6 like, Hey, just -- just keep one -- keep one eye on him. You
09:55AM 7 know, he's pulling out one egg. One egg was like a GPS
09:55AM 8 tracking device that he -- that he showed me how to use. The
09:55AM 9 first one I had he gave to me, and we had some other stuff
09:55AM 10 going on with that, but he told me, Hey, have a -- go call your
09:55AM 11 cousin, have her order the egg, and charge 'em up and put 'em
09:55AM 12 under his car. So I don't know where he live at that time. I
09:55AM 13 didn't know nothing about that, but --

09:55AM 14 Q Before you explain that, so this egg is what exactly?

09:55AM 15 A The egg, I just told you was -- look like one egg, look
09:55AM 16 like one big egg about this big (indicating). Like one
09:55AM 17 little -- it's about this big for fit in your hand, and inside
09:56AM 18 get one GPS tracking device that lasts for months that fit
09:56AM 19 inside. It's waterproof, you can go through the car wash.
09:56AM 20 Later on when I was following him, he drove 'em right through
09:56AM 21 the car wash, and the thing was under the frame, I thought was
09:56AM 22 going to come off, never even come off.

09:56AM 23 Q So what does this GPS tracking device allow you to do if
09:56AM 24 it's affixed to the car?

09:56AM 25 A You can follow -- you can follow a guy around without

09:56AM 1 actually following him around.

09:56AM 2 Q How do you -- how do you monitor the tracking device? How
09:56AM 3 is that done?

09:56AM 4 A You log in online. You log into some website online, you
09:56AM 5 put in a password, and the thing just pop up like that, it
09:56AM 6 blink like that. And then wherever he move, the thing just
09:56AM 7 keep blinking.

09:56AM 8 Q So you could track the location on your -- on a phone?

09:56AM 9 A Yes.

09:56AM 10 Q So how did you learn about this tracking device or how to
09:56AM 11 use it?

09:56AM 12 A From Miske. He gave the first -- he gave me the first one
09:57AM 13 that I used, and then -- and then the ones that I was looking
09:57AM 14 at, the thing kept dying, like the battery kept dying. So I
09:57AM 15 was like, What the fuck you using? The ones that I get the
09:57AM 16 battery keep dying, and the thing is dying like once a week.
09:57AM 17 And he said, You gotta get this, get the Monster.

09:57AM 18 Q The monster?

09:57AM 19 A Yeah, that's the brand that he had, the Monster. The
09:57AM 20 thing lasts for months.

09:57AM 21 Q So had you talked about it or had he given you any
09:57AM 22 trackers to use before you discussed A1?

09:57AM 23 A Yeah. Yeah, he let me use his.

09:57AM 24 Q But for -- I'm talking for A1. Was that the first time
09:57AM 25 you used trackers or had you used --

09:57AM 1 A No, we used them before. We used them before. We use 'em
09:57AM 2 on Ryan Teramoto before.

09:57AM 3 Q We'll get to Ryan Teramoto in a minute.

09:57AM 4 So you were familiar with these.

09:57AM 5 A Huh?

09:57AM 6 Q You were familiar with how to use these?

09:57AM 7 A Yes.

09:57AM 8 Q But who introduced them to you for the very first time?

09:58AM 9 A Miske.

09:58AM 10 Q Okay. So you put this egg or tracker on Mr. -- on Elgin's
09:58AM 11 car?

09:58AM 12 A Yes.

09:58AM 13 Q Yes. How did you know where he lived?

09:58AM 14 A So one day Miske, we at the -- we at the -- we at his
09:58AM 15 M Nightclub, he had one nightclub over there. So we're
09:58AM 16 talking. It's like -- I don't know, we talking like,
09:58AM 17 fucking -- I forget what it was, but like maybe Halloween or
09:58AM 18 something that you could put masks on. And he was like, This
09:58AM 19 would be perfect time for fucking merc somebody. You get one
09:58AM 20 mask on, you trick or treating.

09:58AM 21 But -- and then he started talking about Elgin, and he
09:58AM 22 say, Hey, what's up with Elgin? I was like, you know, You
09:58AM 23 never follow up, let me know where he live or what.

09:58AM 24 So right from there we leave, we jump in -- we jump in
09:58AM 25 Jason's car, we wen' use Jason's car that day. Yokoyama. So

09:58AM 1 we leave, we go up, we drive to the -- he takes me to the
09:59AM 2 Capital One -- the Honda building we used to call 'em. So he
09:59AM 3 takes me to the Honda building and shows me, Hey, this is where
09:59AM 4 he -- this is where he lives. And I was like, Fucking, how you
09:59AM 5 going get through the gate? The thing get gates that you gotta
09:59AM 6 go through. You need one clicker to get through. It's a
09:59AM 7 secured parking lot. So he was like, Hey, just watch -- watch,
09:59AM 8 this is how you do 'em.

09:59AM 9 So we park outside of the -- of the building, you
09:59AM 10 know, like on a road. So where we parked, you get one spot
09:59AM 11 where you can park, and the entrance was right here, had a ramp
09:59AM 12 that goes up, and the entrance was right here.

09:59AM 13 So he said, You gotta wait for the -- wait for the
09:59AM 14 slow, wait for the aunties, the old ladies that drive slow. So
09:59AM 15 we sat right there, waited maybe 20 minutes. So one car pulled
09:59AM 16 up -- and this is an expensive building, you know, cameras all
10:00AM 17 over the place. So the car pulled up the stuff, and then
10:00AM 18 stopped by the gate like that, we could see the gate -- you
10:00AM 19 know, the gate opening.

10:00AM 20 So he was like, Okay, wait little while. When the --
10:00AM 21 when the lady go through, we pull up behind her, and we just
10:00AM 22 shoot through before the gate stop. I was like, Fuck, you
10:00AM 23 gotta do that every time? He said, Nah, just get the -- just
10:00AM 24 put the fucking egg on the car.

10:00AM 25 So we drive through. He knows he lives in that

10:00AM 1 building, but he don't know where the -- where his car is
10:00AM 2 parked. So we are driving through the parking lot looking
10:00AM 3 at -- looking for his car. We driving all around, driving
10:00AM 4 off -- finally, we find his car, and pull next to his car like
10:00AM 5 that. And he said, Hey, this is -- this is the car right here.
10:00AM 6 Just remember this is -- take down license plate, remember the
10:00AM 7 color, and this is his parking stall right here. It was one
10:00AM 8 tandem parking stall.

10:00AM 9 Q What kind of a vehicle was it?

10:01AM 10 A Was one black truck. Like one black -- yeah, black truck.

10:01AM 11 Q So did you put the tracker on right at that occasion?

10:01AM 12 A No, not at the -- not at that moment because we wasn't
10:01AM 13 in -- we was in somebody else's car. So I went back later on,
10:01AM 14 like after -- we was done over there already, I went back later
10:01AM 15 on, and I did the same thing. I parked by -- I wen' grab one
10:01AM 16 of those burner cars that he had, though, switch the license
10:01AM 17 plate on the car. I wen' park in the -- across the street wait
10:01AM 18 for one slow car come in, wait for the gate get open, pulled
10:01AM 19 back up through the gate, and I parked next to his -- I parked
10:01AM 20 next to his truck.

10:01AM 21 So the van that I had, I had 'em blocking the camera.
10:01AM 22 Had one camera pointing right here. So I went through the
10:01AM 23 back, open the sliding door of the van, slide out of the van,
10:01AM 24 and put the -- the tracking device on the inside of his frame.

10:02AM 25 Q What side of the car did you place the tracking device?

10:02AM 1 A On the driver's side.

10:02AM 2 Q And is it magnetic? Is that how --

10:02AM 3 A Yeah, it was magnetic. So the tracker is placed inside of
10:02AM 4 a hard plastic case, like one magnet on top. So the frame get
10:02AM 5 two bars like that, if you just stick 'em on top, the inside
10:02AM 6 never going to come off.

10:02AM 7 Q How long did it take you to place that and leave?

10:02AM 8 A For place the egg on the car?

10:02AM 9 Q Yeah.

10:02AM 10 A It was quick. It was pretty fast. I mean, I went up
10:02AM 11 there -- I waited longer than it took me to -- to put the egg
10:02AM 12 on top.

10:02AM 13 Q All right. And then were you able to actually activate
10:02AM 14 and follow that vehicle using the -- the phone app that you
10:02AM 15 described?

10:02AM 16 A Yes.

10:02AM 17 MR. INCIONG: Your Honor, may I show physical
10:02AM 18 Exhibit 1-001 to Mr. Miller at this time?

10:02AM 19 THE COURT: Yes.

10:03AM 20 BY MR. INCIONG:

10:03AM 21 Q Mr. Miller, I've placed what's been marked as
10:03AM 22 Exhibit 1-001 in front of you.

10:03AM 23 A Yes.

10:03AM 24 Q Have you seen that item before?

10:03AM 25 A Yes.

10:03AM 1 Q How do you recognize that?

10:03AM 2 A This is the -- this is the one we used right here, that's
10:03AM 3 how the thing looked.

10:03AM 4 Q Okay. Is there a handwriting on there that you recognize?

10:03AM 5 A Yes.

10:03AM 6 Q Okay. What is -- what is written?

10:03AM 7 A "1."

10:04AM 8 Q Is that your handwriting?

10:04AM 9 A Yes.

10:04AM 10 Q Do you recognize that as one of the trackers that you used
10:04AM 11 to follow people at Mr. Miske's request?

10:04AM 12 A Yes. So the thing show -- the reason I put "1" is I had
10:04AM 13 two of them. So on the phone it would show you, you know, if
10:04AM 14 the battery die, you get two days left, whatever. So when that
10:04AM 15 was showing -- when that was showing, I used to -- I used to go
10:04AM 16 to where the thing was at, grab the one off, put this egg
10:04AM 17 inside, and this one is fully charged.

10:04AM 18 Q So you had a backup basically?

10:04AM 19 A Yeah, I had two of them. One from when the battery die,
10:04AM 20 you put on the other one.

10:04AM 21 Q Okay. So that was number 1 that you have there?

10:04AM 22 A Yes.

10:04AM 23 Q Does that look like it did in the same -- substantially
10:04AM 24 the same condition as when you were using it to follow people?

10:04AM 25 A Yes.

10:04AM 1 MR. INCIONG: Your Honor, I would move to admit

10:04AM 2 Exhibit 1-0001.

10:04AM 3 THE COURT: Any objection?

10:04AM 4 MR. KENNEDY: No objection.

10:04AM 5 THE COURT: Without objection, 1-1 is admitted.

10:04AM 6 (Exhibit 1-0001 was received in evidence.)

10:04AM 7 MR. INCIONG: Thank you, Your Honor.

10:04AM 8 I would like to show Mr. Miller a photo, which is

10:05AM 9 marked as 1-002 at this time, please.

10:05AM 10 THE COURT: All right.

10:05AM 11 BY MR. INCIONG:

10:05AM 12 Q Mr. Miller, do you see that photograph?

10:05AM 13 A Yes.

10:05AM 14 Q Is that a photo of the item that you just identified as

10:05AM 15 Exhibit 1-0001?

10:05AM 16 A Yes.

10:05AM 17 MR. INCIONG: Your Honor, I would move to admit

10:05AM 18 Exhibit 1-0002 at this time.

10:05AM 19 MR. KENNEDY: No objection.

10:05AM 20 THE COURT: Without objection, 1-2 is admitted. You

10:05AM 21 may publish.

10:05AM 22 (Exhibit 1-0002 was received in evidence.)

10:05AM 23 MR. INCIONG: May I publish that, Your Honor?

10:05AM 24 THE COURT: Yes.

10:05AM 25 BY MR. INCIONG:

10:05AM 1 Q So, Mr. Miller, this is one of the tracking devices that
10:05AM 2 you just described?

10:05AM 3 A Yes.

10:05AM 4 Q And this is -- this would go inside the -- what you
10:05AM 5 described as the egg that you had the magnetic attachment
10:05AM 6 feature?

10:05AM 7 A Yes. Like look like one plastic case, like if you ever
10:05AM 8 seem a Pelican hard case, look like that, waterproof.

10:05AM 9 Q All right. Now, how did you -- how were these devices
10:05AM 10 activated when you first got them to enable the tracking
10:05AM 11 feature to work? Is there a process that it had to go through?

10:06AM 12 A Actually, I forget -- I forget the process.

10:06AM 13 Q Did you use anyone to assist you and help you activate it?

10:06AM 14 A My cousin -- my cousin is the one that -- my cousin used
10:06AM 15 to work at Mikey's shop.

10:06AM 16 Q What was your cousin's name?

10:06AM 17 A Sheena.

10:06AM 18 Q What's her last name?

10:06AM 19 A Kiko.

10:06AM 20 Q How do you spell the last name?

10:06AM 21 A K-I-K-O.

10:06AM 22 Q She said -- she worked at Mr. Miske's shop?

10:06AM 23 A Yeah.

10:06AM 24 Q In what capacity?

10:06AM 25 A I don't know. She -- every time I seen her, she was in

10:06AM 1 the office.

10:06AM 2 Q Okay. Could I have you look at 1-0010, please.

10:06AM 3 MR. INCIONG: If we could show that Mr. Miller only.

10:06AM 4 BY MR. INCIONG:

10:06AM 5 Q Do you see that looks like a screenshot, Mr. Miller?

10:06AM 6 A Yes.

10:06AM 7 Q Do you recognize that?

10:06AM 8 A Yes.

10:06AM 9 Q Have you seen that before?

10:06AM 10 A Yes.

10:06AM 11 Q Where did you see that?

10:06AM 12 A On the phone. I think if this -- if this the one I'm
10:06AM 13 thinking about, like I remember her giving it to me, and then
10:06AM 14 like, Hey, this is the password and -- because once I did 'em,
10:07AM 15 I just never did turn 'em off. All I had to do was press the
10:07AM 16 button on the app, and that thing would show.

10:07AM 17 Q So this was -- was this information that you used to
10:07AM 18 activate and then track the -- or use tracking device?

10:07AM 19 A Yes.

10:07AM 20 Q Does this accurately -- is this an accurate photo or
10:07AM 21 depiction of that screenshot that you recognize from seeing
10:07AM 22 being provided from your cousin?

10:07AM 23 A Yes.

10:07AM 24 Q There is an email address on there, s.leahneal@yahoo.com.

10:07AM 25 A Yes.

10:07AM 1 Q Do you see that?

10:07AM 2 A Yes.

10:07AM 3 Q Do you know whose email that is?

10:07AM 4 A That's my cousin Sheena.

10:07AM 5 MR. INCIONG: Your Honor, I would move to admit

10:07AM 6 Exhibit 1-10 at this time.

10:07AM 7 THE COURT: Any objection?

10:07AM 8 MR. KENNEDY: No objection.

10:07AM 9 THE COURT: Without objection, 1-10 is admitted.

10:07AM 10 (Exhibit 1-0010 was received in evidence.)

10:07AM 11 MR. INCIONG: Thank you, Your Honor. May I publish

10:07AM 12 that?

10:07AM 13 THE COURT: Yes, you can.

10:07AM 14 BY MR. INCIONG:

10:07AM 15 Q So, Mr. Miller, so this -- this is an email basically that

10:07AM 16 was received, correct?

10:07AM 17 A Yes.

10:07AM 18 Q Advising that the GPS tracking device had been activated?

10:08AM 19 A Yes.

10:08AM 20 Q And then providing a password that you referenced as well?

10:08AM 21 A Yes.

10:08AM 22 Q And then down at the bottom it says you can download apps.

10:08AM 23 Do you see that, where it says if you have an Android device,

10:08AM 24 you can download the tracking app?

10:08AM 25 A Yeah.

10:08AM 1 Q Is that what you used to -- to follow the vehicles once
10:08AM 2 the tracker had been placed on it?

10:08AM 3 A Yes.

10:08AM 4 Q Okay. So you talked about what you called -- you referred
10:08AM 5 to as the Honda building.

10:08AM 6 A Yeah.

10:08AM 7 Q Where is the Honda building located?

10:08AM 8 A Downtown by -- by the church -- across the church --
10:08AM 9 across Safeway.

10:08AM 10 MR. INCIONG: Okay. Can I show Mr. Miller
10:08AM 11 Exhibit 1-15 at this time, please?

10:08AM 12 BY MR. INCIONG:

10:08AM 13 Q Do you recognize what's shown in this photo?

10:08AM 14 A Yes.

10:08AM 15 Q How do you recognize that?

10:08AM 16 A Been there a few times.

10:09AM 17 Q Is that the Honda building that you referenced?

10:09AM 18 A Yes.

10:09AM 19 Q Does that photo accurately show that that building in that
10:09AM 20 area, as you recall, when you were watching that place and
10:09AM 21 going in and out of the parking garage as you testified to?

10:09AM 22 A Yeah, that's the parking lot right there.

10:09AM 23 MR. INCIONG: Your Honor, I would move to admit
10:09AM 24 Exhibit 1-15.

10:09AM 25 THE COURT: Any objection?

10:09AM 1 MR. KENNEDY: No objection.

10:09AM 2 THE COURT: Without objection, 1-15 is admitted.

10:09AM 3 (Exhibit 1-0015 was received in evidence.)

10:09AM 4 MR. INCIONG: May I publish that, Your Honor?

10:09AM 5 THE COURT: You can, yes.

10:09AM 6 MR. INCIONG: Thank you.

10:09AM 7 BY MR. INCIONG:

10:09AM 8 Q So, Mr. Miller, this is the Honda building that you've
10:09AM 9 been referencing?

10:09AM 10 A Yes.

10:09AM 11 Q And I think you drew on the screen a minute ago, but could
10:09AM 12 you show for the jury's knowledge where the parking ramp is?

10:09AM 13 A Right -- it's the parking lot right there.

10:09AM 14 Q But that's on the lower part of the building?

10:09AM 15 A Yeah, the lower part of the building. The ramp stay on
10:09AM 16 the other side.

10:09AM 17 Q Okay. Let me have you look at Exhibit 1-16 next.

10:10AM 18 Do you recognize what's shown in this photo?

10:10AM 19 A Yeah, that's the -- that's the ramp. That's not the ramp
10:10AM 20 we used, but that's the building for go into the front entrance
10:10AM 21 right there.

10:10AM 22 Q Okay. Do you recognize that as another entry into that
10:10AM 23 same building you just identified in the previous exhibit?

10:10AM 24 A Yes, because for go up that ramp right there, you got to
10:10AM 25 pass the front lobby and get like -- they always had security

10:10AM 1 guards and stuff up there.

10:10AM 2 Q Okay. Does this photo accurately show that part of the
10:10AM 3 building?

10:10AM 4 A Yes.

10:10AM 5 MR. INCIONG: Your Honor, I would move to admit
10:10AM 6 Exhibit 1-16.

10:10AM 7 THE COURT: Any objection?

10:10AM 8 MR. KENNEDY: No objection.

10:10AM 9 THE COURT: Without objection, 1-16 is admitted.

10:10AM 10 (Exhibit 1-0016 was received in evidence.)

10:10AM 11 THE COURT: You may publish.

10:10AM 12 MR. INCIONG: Thank you, Your Honor.

10:10AM 13 BY MR. INCIONG:

10:10AM 14 Q So, Mr. Miller, this is -- this is one of the entrances
10:10AM 15 into this building then; is that correct?

10:10AM 16 A Yes.

10:10AM 17 Q This is not the one that you would use?

10:10AM 18 A No.

10:10AM 19 Q And could you tell the jury again why you did not use this
10:10AM 20 particular entrance?

10:10AM 21 A Because if you go up this ramp, get like one right here,
10:11AM 22 that's like the main front entrance, so they get one security
10:11AM 23 desk and always had secure -- always had people over there.

10:11AM 24 Q So you wanted to avoid that?

10:11AM 25 A Yes.

10:11AM 1 Q All right. Let me have you look next at Exhibit 1-17.

10:11AM 2 Do you recognize this?

10:11AM 3 A The same one.

10:11AM 4 Q Okay. Just a different and close -- closer view?

10:11AM 5 A Yeah.

10:11AM 6 Q Does that accurately show that -- that ramp?

10:11AM 7 A Yeah.

10:11AM 8 MR. INCIONG: Your Honor, I would move to admit

10:11AM 9 Exhibit 1-17.

10:11AM 10 THE COURT: Any objection?

10:11AM 11 MR. KENNEDY: No objection.

10:11AM 12 THE COURT: 1-17 is admitted. You may publish.

10:11AM 13 (Exhibit 1-0017 was received in evidence.)

10:11AM 14 MR. INCIONG: Thank you, Your Honor.

10:11AM 15 BY MR. INCIONG:

10:11AM 16 Q Is this a closer view of that same ramp? Is that true?

10:11AM 17 A Yes.

10:11AM 18 Q Okay. Let me have you look at Exhibit 1-18. Do you

10:11AM 19 recognize what's shown here?

10:11AM 20 A Yes.

10:11AM 21 Q How do you recognize that?

10:11AM 22 A So this is about where -- so the ramp that we used to use

10:12AM 23 is about in that area right there. Right there.

10:12AM 24 Q Okay. So is this around the corner from the --

10:12AM 25 A Yeah, so -- so when I was saying earlier how we used to

10:12AM 1 park right there, we used to park like in the middle of these
10:12AM 2 cars and wait for one car -- parked right here, wait for one
10:12AM 3 car drive, and then go into the building like that.

10:12AM 4 Q Okay. Does this photo accurately show that area adjacent
10:12AM 5 to the Honda building as you recall when you were parked and
10:12AM 6 entering the building?

10:12AM 7 A Yes.

10:12AM 8 MR. INCIONG: Your Honor, I would move to admit
10:12AM 9 Exhibit 1-18.

10:12AM 10 THE COURT: Mr. Kennedy?

10:12AM 11 MR. KENNEDY: No objection.

10:12AM 12 THE COURT: Without objection, 1-18 is admitted. You
10:12AM 13 may publish.

10:12AM 14 (Exhibit 1-0018 was received in evidence.)

10:12AM 15 MR. INCIONG: Thank you.

10:12AM 16 BY MR. INCIONG:

10:12AM 17 Q So, Mr. Miller, you've -- you've drawn on there already,
10:12AM 18 but could you describe -- if you can go ahead and do it again,
10:12AM 19 and explain for the jury just where those two particular points
10:12AM 20 that you recognize.

10:12AM 21 A Oh, okay. So right in this area right here, get one ramp
10:12AM 22 that goes up. So we used to park anywhere from here to here,
10:13AM 23 but mostly right here. And then you can get cars that drive
10:13AM 24 that way or this way. And if you put on one blinker, then you
10:13AM 25 get ready to go up with them. So they will pull up over there

10:13AM 1 into the stuff, get the -- get the gate up there, and then

10:13AM 2 follow them inside.

10:13AM 3 Q Okay. So this is a second ramp you were referring to, not

10:13AM 4 the one we just saw pictures of.

10:13AM 5 A Yeah, this is a back ramp right there going into the

10:13AM 6 parking lot.

10:13AM 7 Q All right. So let me have you look next at Exhibit 1-19.

10:13AM 8 Do you recognize what's shown there?

10:13AM 9 A No, that's not the -- yeah, I know it's the building.

10:13AM 10 Q Okay. Well, let's skip that one for the moment, and go to

10:14AM 11 Exhibit 1-20. 1-20, please.

10:14AM 12 Do you recognize what this shows?

10:14AM 13 A That's the same ramp. That's the same one we was looking

10:14AM 14 at.

10:14AM 15 Q Well, we've been talking about two ramps, so which ramp

10:14AM 16 are you referencing?

10:14AM 17 A Yeah, I talking about the one -- this is the same picture

10:14AM 18 we showed earlier, just this is -- this is the opposite view.

10:14AM 19 Q Okay. Is this the ramp that you would not enter the

10:14AM 20 building through?

10:14AM 21 A Yeah.

10:14AM 22 Q Okay. So from this view, though, what can you see? Do

10:14AM 23 you recognize anything at the bottom of that ramp or across the

10:14AM 24 street that you recognize?

10:14AM 25 A The church.

10:14AM 1 Q What church is that?

10:14AM 2 A I don't know.

10:14AM 3 Q Okay. Does this -- that photo accurately show that view
10:14AM 4 from the ramp looking across that street?

10:14AM 5 A Yes.

10:14AM 6 MR. INCIONG: Your Honor, I would move to admit
10:14AM 7 Exhibit 1-20.

10:14AM 8 THE COURT: Any objection, Counsel?

10:14AM 9 MR. KENNEDY: No, Your Honor.

10:14AM 10 THE COURT: 1-20 is admitted then without objection.
10:14AM 11 You may publish.

10:14AM 12 (Exhibit 1-0020 was received in evidence.)

10:14AM 13 MR. INCIONG: Thank you, Your Honor.

10:14AM 14 BY MR. INCIONG:

10:14AM 15 Q So as you said, Mr. Miller, I think, so this is just a
10:14AM 16 view looking down that same main ramp where the security is at
10:15AM 17 the top of it?

10:15AM 18 A Yes.

10:15AM 19 Q Could I have you look at Exhibit 1-21, please, at this
10:15AM 20 time.

10:15AM 21 Do you recognize this photo?

10:15AM 22 A Yes.

10:15AM 23 Q How do you recognize that?

10:15AM 24 A Well, this is -- this is the ramp I was talking about
10:15AM 25 right here that goes up, then get one gate right there when you

10:15AM 1 go up.

10:15AM 2 Q This is the gate -- or the ramp that you entered?

10:15AM 3 A Yes.

10:15AM 4 Q All right. Does this photo accurately show that area
10:15AM 5 surrounding that second entrance?

10:15AM 6 A Yes.

10:15AM 7 MR. INCIONG: Your Honor, I would move to admit
10:15AM 8 Exhibit 1-21.

10:15AM 9 THE COURT: Any objection?

10:15AM 10 MR. KENNEDY: No objection.

10:15AM 11 THE COURT: Without objection, 1-21 is admitted. You
10:15AM 12 may publish.

10:15AM 13 (Exhibit 1-0021 was received in evidence.)

10:15AM 14 THE COURT: And once you finish questioning with
10:15AM 15 respect to this exhibit, Mr. Inciong, I think it would be time
10:15AM 16 to take a break.

10:15AM 17 MR. INCIONG: Okay. Sure.

10:15AM 18 BY MR. INCIONG:

10:15AM 19 Q So, Mr. Miller, you recognize this is that -- that back
10:15AM 20 entry or the gate that you entered into when you were first
10:15AM 21 accompanied by Mr. Miske, and then when you went back to place
10:16AM 22 the tracker on the vehicle?

10:16AM 23 A Yes.

10:16AM 24 Q This is the only entrance that you actually entered
10:16AM 25 through?

10:16AM 1 A Yes.

10:16AM 2 MR. INCIONG: Your Honor, that's all I have on this
10:16AM 3 photo.

10:16AM 4 THE COURT: All right. So let's go ahead then and
10:16AM 5 take our first break of the day.

10:16AM 6 As we do so, I'll remind our jurors to please refrain
7 from discussing the substance of this case with anyone,
8 including each other, until I advise you otherwise; to refrain
9 from accessing any media or other accounts of this case that
10 may be out there; and finally, please do not conduct any
11 independent investigation into the facts, circumstances or
10:16AM 12 persons involved.

10:16AM 13 So we'll try to keep it to about a 15- or 20-minute
10:16AM 14 break, and then we will continue with the direct examination of
10:16AM 15 Mr. Miller.

10:16AM 16 (Proceedings were recessed at 10:16 a.m. to 10:42
10:42AM 17 a.m.)

10:42AM 18 THE COURT: All. Right back from our first break of
10:42AM 19 the day.

10:42AM 20 Mr. Inciong, you may resume when you're ready.

10:43AM 21 MR. INCIONG: Thank you, Your Honor.

10:43AM 22 BY MR. INCIONG:

10:43AM 23 Q Mr. Miller, before we proceed, I want to go back and ask a
10:43AM 24 follow-up question on one thing you've testified already to.

10:43AM 25 Going back to the day when Mr. Miske came to your

10:43AM 1 apartment and -- and told you it was done. Do you remember
10:43AM 2 that? Yes?
10:43AM 3 A Yes.
10:43AM 4 Q So I believe you testified something to the effect that he
10:43AM 5 was throwing it in your face.
10:43AM 6 A Yes.
10:43AM 7 Q What did you mean by that?
10:43AM 8 A Like throwing it in my face like the fact that -- that
10:43AM 9 everything he did for me, and when I needed 'em, I wasn't
10:43AM 10 there. You know, I wasn't -- I wasn't there for him.
10:43AM 11 Q Did you feel guilty when he told you that?
10:43AM 12 A Yes.
10:43AM 13 Q Why?
10:43AM 14 A I mean that was my -- that was my closest -- like I said,
10:43AM 15 when you said father or braddah, you know, that was my -- my
10:43AM 16 friend. When I say all of the above, that was -- that's how I
10:43AM 17 felt about him, you know. My whole life.
10:44AM 18 Q Did that guilt stay with you?
10:44AM 19 A Yes. I mean --
10:44AM 20 Q To this day?
10:44AM 21 A Right up to this day.
10:44AM 22 Q So when he started to ask you to follow people such as
10:44AM 23 Elgin Calles, Al --
10:44AM 24 A Yeah.
10:44AM 25 Q -- did you feel obligated in any way to do that?

10:44AM 1 A Yes.

10:44AM 2 Q Did you feel like you owed him?

10:44AM 3 A Yes.

10:44AM 4 Q Why?

10:44AM 5 A I don't know how to explain it, Mark. You know, I felt

10:44AM 6 like -- I felt like -- I said before, anything he said couldn't

10:44AM 7 be -- in my head wasn't wrong, Your Honor. I would try find a

10:44AM 8 way to make it right, even if it was wrong. You know.

10:44AM 9 So -- yeah, he was -- like he was a -- he was a close

10:44AM 10 friend, he did whatever I asked him to do. You know, when I

10:44AM 11 was in prison, we stayed in contact. He --

10:45AM 12 Q Were you hoping to repair your relationship by doing

10:45AM 13 things like following Al, Elgin?

10:45AM 14 A Yes.

10:45AM 15 Q What did you hope to get back to?

10:45AM 16 A Well, when he was telling me, Just get something done

10:45AM 17 already, you know, like I felt like I needed to -- I felt like

10:45AM 18 I needed to do what he said.

10:45AM 19 Q All right. Let me have you look -- this is going to be

10:45AM 20 the last photo in this particular series -- at Exhibit 1-21-A.

10:45AM 21 Do you recognize what's shown there?

10:45AM 22 A Yes.

10:45AM 23 Q How do you recognize that?

10:45AM 24 A This is the street going -- going into where -- where I

10:45AM 25 said earlier that we was parked right there. Yeah. And this

10:45AM 1 is the street that turns in right there.

10:45AM 2 Q Okay. So this is the street -- a view of the street that
10:45AM 3 leads to that back entrance to Capitol Place?

10:45AM 4 A Yes.

10:45AM 5 Q Does this photo accurately show that area as it appeared
10:46AM 6 when you were watching that location?

10:46AM 7 A Yes.

10:46AM 8 MR. INCIONG: Your Honor, I would move to admit
10:46AM 9 Exhibit 1-21-A.

10:46AM 10 THE COURT: Any objection?

10:46AM 11 MR. KENNEDY: No objection.

10:46AM 12 THE COURT: Without objection, 1-21-Alpha is admitted.
10:46AM 13 You may publish.

10:46AM 14 (Exhibit 1-0021-A was received in evidence.)

10:46AM 15 MR. INCIONG: Thank you, Your Honor.

10:46AM 16 BY MR. INCIONG:

10:46AM 17 Q So describe, if you could, and show the jury where the
10:46AM 18 back entrance or the entrance you entered into was on this
10:46AM 19 corner?

10:46AM 20 A Yeah, the back -- the entrance was right there. The part
10:46AM 21 we showed earlier where I used to park used to be right down
10:46AM 22 this street right here. It's the road turning in right here.
10:46AM 23 And sometimes if you look right here in this area, get one --
10:46AM 24 get one little parking section right there.

10:46AM 25 So when -- after I knew all his patterns and stuff

10:46AM 1 like that, I started bringing guys with me. We used to park
10:46AM 2 right there, because from right here, park right there, you can
10:46AM 3 see the front exit and the back exit right there. So you could
10:46AM 4 see -- and this was both one-ways, so if you came out here, he
10:47AM 5 had to drive past us over here, and if he went right there,
10:47AM 6 came out right there, we could see him come out right there,
10:47AM 7 and then leave and immediately we would go straight over there.
10:47AM 8 Q Okay. Thank you.
10:47AM 9 MR. INCIONG: We can take that down then for the
10:47AM 10 moment, Your Honor.
10:47AM 11 BY MR. INCIONG:
10:47AM 12 Q So you just mentioned -- you said you knew his pattern or
10:47AM 13 learned his pattern. What did you mean by that?
10:47AM 14 A I knew -- by that time I knew where he used to go, where
10:47AM 15 he used to work, what time he used to work, when he used to go
10:47AM 16 to the gym, where he used to park.
10:47AM 17 Q And you are referring to A1?
10:47AM 18 A A1, yeah. Yeah, where his mom used to -- another house
10:47AM 19 that he used to go to, Papakolea.
10:47AM 20 Q So were you using a combination of actually following him
10:47AM 21 yourself in a vehicle as well as using this tracking device?
10:47AM 22 A Yes.
10:47AM 23 Q Were you giving reports periodically to Mr. Miske?
10:48AM 24 A Yes.
10:48AM 25 Q What would he -- how would he respond?

10:48AM 1 A Oh, he would give me some feedback, like he would tell me,
10:48AM 2 Hey, I think he drink at -- at these bars. I think stuff like
10:48AM 3 that. Yeah.

10:48AM 4 Q Approximately how long did you follow Al Elgin for?
10:48AM 5 A For a while. I don't -- I don't know how -- I cannot give
10:48AM 6 one exact date. Long time.

10:48AM 7 Q Weeks, months?
10:48AM 8 A Months, yeah.

10:48AM 9 Q Did Mr. Miske ever tell you with any sort of specificity
10:48AM 10 what he wanted done to Al?
10:48AM 11 A Well, it was weird on this one because at first he was
10:48AM 12 like -- he was like, Hey, just -- this one just at the most,
10:48AM 13 third base 'em, you know.

10:48AM 14 Q "Third base" meant what again?
10:48AM 15 A Put 'em in the hospital, fuck 'em up. You know, just fuck
10:48AM 16 him up bad. Real bad. You know what I mean. Not -- so he get
10:48AM 17 the message. Not to kill 'em. You know, that's what he told
10:49AM 18 me. At that time he was just like take -- take the tight end.
10:49AM 19 He used to refer to Jake as the tight end.

10:49AM 20 Q Tight end, what did that mean?
10:49AM 21 A Like somebody that not going hit a home run, somebody that
10:49AM 22 not going to kill somebody, but just can shake somebody up real
10:49AM 23 bad, beat them up real bad, put them in the hospital. Yeah.

10:49AM 24 Q Did you know Jake Smith?
10:49AM 25 A Yes.

10:49AM 1 Q What did you know about Jake Smith?

10:49AM 2 A He was -- he was a young kid going around -- he remind me
10:49AM 3 of myself a little bit, he used to go around, he was robbing
10:49AM 4 people, yeah.

10:49AM 5 Q Did he have any sort of reputation for -- for violence or
10:49AM 6 assaults?

10:49AM 7 A Yes.

10:49AM 8 Q What was that?

10:49AM 9 A Yeah, he used -- he used to rob people. Always had --
10:49AM 10 always had guns on him. Used to bang people up. Yeah.

10:49AM 11 Q "Bang people up" mean beat people up?

10:49AM 12 A Yeah. Yes.

10:49AM 13 Q Did you know whether he was trained in any martial art?

10:49AM 14 A Yeah, his dad -- his dad owned like one -- his dad owned
10:50AM 15 like one kickboxing gym or something like that, a martial arts
10:50AM 16 gym.

10:50AM 17 Q Okay. Now, you mentioned that you used to bring some guys
10:50AM 18 with you once had established the patterns. Is that what you
10:50AM 19 said?

10:50AM 20 A Yes.

10:50AM 21 Q Was Jake Smith one of these guys?

10:50AM 22 A Yes. Jake -- Jake Smith was a -- so when he was -- when
10:50AM 23 he was telling me he just -- just no go farther than third
10:50AM 24 base, you know, put this fucker in the hospital. That's what
10:50AM 25 he used to tell me. Then that's when Jake started coming at

10:50AM 1 those times.

10:50AM 2 Q Did Mr. Miske's wishes ever change in regard to A1?

10:50AM 3 A Yeah, he would go back and forth because -- because it was

10:50AM 4 taking long. This guy, he never went to like -- to like

10:50AM 5 isolated places. And he always parked like where it always had

10:50AM 6 people and stuff like that. So sometimes he would be like --

10:50AM 7 he would be like, Hey, fuck 'em, just get rid of this fucker

10:51AM 8 already. That's what he used to tell me.

10:51AM 9 Q What did that mean to you?

10:51AM 10 A Kill 'em.

10:51AM 11 Q Did you talk to additional people about doing that for

10:51AM 12 you?

10:51AM 13 A Yes.

10:51AM 14 Q Who did you ask about that?

10:51AM 15 A Oh, I talked -- I talked to my cousin Norm, Norman Akau.

10:51AM 16 I talked to -- Harry Boy came with us. Yeah.

10:51AM 17 Q Harry Boy is who?

10:51AM 18 A Kauhi.

10:51AM 19 Q Harry Kauhi?

10:51AM 20 A Yes.

10:51AM 21 Q Okay. Let me have you look at Exhibit 1-37, please.

10:51AM 22 Do you recognize that?

10:51AM 23 A Yes.

10:51AM 24 Q Who is that?

10:51AM 25 A Miske.

10:51AM 1 Q Is this the person that you have previously identified in
10:51AM 2 court as the defendant?

10:51AM 3 A Yes.

10:51AM 4 MR. INCIONG: Your Honor, I would move to admit
10:51AM 5 Exhibit 1-37.

10:51AM 6 MR. KENNEDY: No objection, Your Honor.

10:51AM 7 THE COURT: Without objection, 1-37 is admitted. You
10:51AM 8 can publish.

10:51AM 9 (Exhibit 1-0037 was received in evidence.)

10:51AM 10 MR. INCIONG: Your Honor, may I use the face board for
10:51AM 11 this next section of the testimony, please?

10:52AM 12 THE COURT: What do you mean?

10:52AM 13 MR. INCIONG: I mean start displaying this photo along
10:52AM 14 with some subsequent ones on the face board.

10:52AM 15 THE COURT: As long as they're faces that have been
10:52AM 16 admitted into evidence.

10:52AM 17 MR. INCIONG: Yes.

10:52AM 18 THE COURT: Yes.

10:52AM 19 MR. INCIONG: Yes, of course.

10:52AM 20 BY MR. INCIONG:

10:52AM 21 Q So Mr. Miske was the one who told you about A1, correct?

10:52AM 22 A Yes.

10:52AM 23 Q Now, you mentioned Norman Akau.

10:52AM 24 MR. INCIONG: Could I have Exhibit 1-33 that's
10:52AM 25 previously been admitted into evidence?

10:52AM 1 BY MR. INCIONG:

10:52AM 2 Q That's -- that's your cousin Norman Akau?

10:52AM 3 A Yes.

10:52AM 4 Q And you talked to him about actually carrying out a full
10:52AM 5 hit on -- on A1?

10:52AM 6 A Yes.

10:52AM 7 Q Harry Kauhi is another name that you mentioned, correct?

10:52AM 8 A Yes.

10:52AM 9 MR. INCIONG: Could I show Mr. Miller Exhibit 1-61 at
10:52AM 10 this time?

10:52AM 11 THE COURT: Yes.

10:52AM 12 BY MR. INCIONG:

10:52AM 13 Q Do you recognize who's shown in that photograph?

10:52AM 14 A Yes.

10:52AM 15 Q How do you recognize that?

10:52AM 16 A That's Harry -- Harry Boy Kauhi.

10:52AM 17 Q How do you know him?

10:52AM 18 A Oh, I know him since I was young too.

10:53AM 19 Q Does this photo accurately show Mr. Kauhi as he appeared
10:53AM 20 about that time you were following A1?

10:53AM 21 A Yes.

10:53AM 22 MR. INCIONG: Your Honor, I would move to admit
10:53AM 23 Exhibit 1-61.

10:53AM 24 THE COURT: Any objection?

10:53AM 25 MR. KENNEDY: No objection.

10:53AM 1 THE COURT: 1-61 is admitted without objection. You

10:53AM 2 may publish.

10:53AM 3 (Exhibit 1-0061 was received in evidence.)

10:53AM 4 MR. INCIONG: Thank you, Your Honor.

10:53AM 5 BY MR. INCIONG:

10:53AM 6 Q So that's Harry Kauhi?

10:53AM 7 A Yes.

10:53AM 8 Q He's from Waimanalo as well?

10:53AM 9 A Yes.

10:53AM 10 MR. INCIONG: Could I show Mr. Miller Exhibit dash I'm

10:53AM 11 sorry, 1-41, which I believe has been previously admitted?

10:53AM 12 THE COURT: Yes, it has.

10:53AM 13 MR. INCIONG: May I publish that?

10:53AM 14 THE COURT: Yes.

10:53AM 15 BY MR. INCIONG:

10:53AM 16 Q Who is that, Mr. Miller?

10:53AM 17 A Jake -- Jake Smith.

10:53AM 18 MR. INCIONG: And then finally, may I show previously

10:53AM 19 admitted Exhibit 1-1079 to the witness? And publish?

10:53AM 20 THE COURT: Yes.

10:53AM 21 BY MR. INCIONG:

10:53AM 22 Q Who is in that photo, sir?

10:53AM 23 A Ali'i Kaanoi.

10:53AM 24 Q How do you know Ali'i?

10:54AM 25 A I know him since -- that's one of my childhood friends.

10:54AM 1 Q Was he involved at all in the following of Elgin Calles?

10:54AM 2 A Yes.

10:54AM 3 MR. INCIONG: Okay. So I am going to place each of
10:54AM 4 those pictures on the face board at this time, Your Honor. All
10:54AM 5 have been previously admitted. That's Mr. Miske, Mr. Akau,
10:54AM 6 Mr. Kauhi, Mr. Smith, and Mr. Wilcox or Kaanoi.

10:54AM 7 THE COURT: Okay.

10:54AM 8 BY MR. INCIONG:

10:54AM 9 Q So, Mr. Miller, all of these individuals you were speaking
10:54AM 10 with and were involved in the A1 following?

10:54AM 11 A Yes.

10:54AM 12 Q Now, you indicated you've established A1's pattern -- kind
10:54AM 13 of daily pattern, I guess. Is that -- is that true?

10:54AM 14 A Yes.

10:54AM 15 Q Did you know where he liked to eat, for example?

10:54AM 16 A Yes.

10:54AM 17 Q Was there a particular place that you followed him --
10:54AM 18 followed him on occasion to where he ate?

10:54AM 19 A Yes.

10:54AM 20 Q Do you recall where that was?

10:54AM 21 A Yeah, on Sand Island on the way -- on the way to the
10:55AM 22 stevedores.

10:55AM 23 MR. INCIONG: May I show Exhibit 1-11 to the witness,
10:55AM 24 please?

10:55AM 25 THE COURT: Go ahead.

10:55AM 1 MR. INCIONG: I'm sorry. I'll do 1-12 first. My
10:55AM 2 apologies.
10:55AM 3 BY MR. INCIONG:
10:55AM 4 Q Mr. Miller, do you recognize what's shown in the map in
10:55AM 5 Exhibit 1-12?
10:55AM 6 A Yes.
10:55AM 7 Q What part of the island or Honolulu does that show?
10:55AM 8 A That's the Sand Island area, Downtown, Kalihi. This where
10:55AM 9 like Matson and stuff stay over there.
10:55AM 10 Q So this eating place that you referenced, is that shown
10:55AM 11 here on this map?
10:55AM 12 A Right there in this area right here.
10:55AM 13 Q Okay. Is this map accurate of the area that you know from
10:55AM 14 following Mr. Calles, A1?
10:55AM 15 A Yes.
10:55AM 16 MR. INCIONG: Your Honor, I would move to admit
10:55AM 17 Exhibit 1-12.
10:56AM 18 THE COURT: Mr. Kennedy, any objection?
10:56AM 19 MR. KENNEDY: No objection, Your Honor.
10:56AM 20 THE COURT: Without objection, 1-12 is admitted, and
10:56AM 21 you may publish.
10:56AM 22 (Exhibit 1-0012 was received in evidence.)
10:56AM 23 MR. INCIONG: Thank you, Your Honor.
10:56AM 24 BY MR. INCIONG:
10:56AM 25 Q So this is the area you just described, correct,

10:56AM 1 Mr. Miller?

10:56AM 2 A Yes.

10:56AM 3 Q And it shows the Sand Island is on the left and bottom

10:56AM 4 left area --

10:56AM 5 A Yeah.

10:56AM 6 Q -- correct?

10:56AM 7 Where approximately is the restaurant that you
10:56AM 8 followed A1 to?

10:56AM 9 A Right around this area, right there.

10:56AM 10 Q Is that Sand Island Road?

10:56AM 11 A Yes.

10:56AM 12 Q All right. Let me have you look at Exhibit 1-13 next.

10:56AM 13 Actually we can skip that for now.

10:56AM 14 Let me have you look at some photos, Mr. Miller,
10:56AM 15 starting with Exhibit 1-22.

10:56AM 16 Do you recognize what's shown in this photo?

10:56AM 17 A Yes.

10:56AM 18 Q How do you recognize that?

10:56AM 19 A Sand Island Road right there.

10:56AM 20 Q Is that the road that leads to the restaurant you're
10:56AM 21 referring to?

10:57AM 22 A Yes.

10:57AM 23 Q Is that an accurate shot of that area of Sand Island Road?

10:57AM 24 A Yes.

10:57AM 25 MR. INCIONG: Your Honor, I would move to admit 1-22.

10:57AM 1 THE COURT: Any objection?

10:57AM 2 MR. KENNEDY: No objection.

10:57AM 3 THE COURT: Without objection, 1-22 is admitted, and

10:57AM 4 you may show it to the jury.

10:57AM 5 (Exhibit 1-022 was received in evidence.)

10:57AM 6 MR. INCIONG: Thank you, Your Honor.

10:57AM 7 BY MR. INCIONG:

10:57AM 8 Q That shows Sand Island Road, correct, sir?

10:57AM 9 A Yes.

10:57AM 10 Q Is that kind of the main -- the main street that travels

10:57AM 11 up and down the Sand Island area?

10:57AM 12 A Yes.

10:57AM 13 Q All right. Could I have you look at Exhibit 1-23.

10:57AM 14 MR. INCIONG: If we could just show that to the

10:57AM 15 witness.

10:57AM 16 BY MR. INCIONG:

10:57AM 17 Q Do you recognize what's shown here?

10:57AM 18 A Yes.

10:57AM 19 Q How do you recognize that?

10:57AM 20 A Oh, that's the same road.

10:57AM 21 Q Do you recognize anything on the -- the upper part or

10:57AM 22 where the cars are parked in that part of the road?

10:57AM 23 A Yeah, I think that's -- I think that's -- you can't really

10:57AM 24 see 'em, but I think that's the restaurant right there.

10:57AM 25 Q Okay. Does this photo accurately show that portion of the

10:57AM 1 road adjacent to the restaurant as you saw it when you were
10:57AM 2 following A1?

10:57AM 3 A Yes.

10:58AM 4 MR. INCIONG: Your Honor, I would move to admit 12 --
10:58AM 5 I'm sorry, 1-23.

10:58AM 6 THE COURT: Any objection?

10:58AM 7 MR. KENNEDY: No objection, Your Honor.

10:58AM 8 THE COURT: Without objection, 1-23 is admitted. You
10:58AM 9 may publish.

10:58AM 10 (Exhibit 1-0023 was received in evidence.)

10:58AM 11 MR. INCIONG: Thank you.

10:58AM 12 BY MR. INCIONG:

10:58AM 13 Q So as you said, Mr. Miller, is this another shot of Sand
10:58AM 14 Island Road?

10:58AM 15 A Yes.

10:58AM 16 Q But the businesses that are on the upper part there, the
10:58AM 17 parking lot, is that where the -- the restaurant was located,
10:58AM 18 you believe?

10:58AM 19 A Yes.

10:58AM 20 Q Okay. Could we go to 1-24 next.

10:58AM 21 Do you recognize what's shown in that photo?

10:58AM 22 A Yes.

10:58AM 23 Q Is that just a different angle of a -- a view of that
10:58AM 24 restaurant across Sand Island Road?

10:58AM 25 A Yes.

10:58AM 1 Q Does that accurately show the restaurant and the road as
10:58AM 2 it appeared when you were following A1?

10:58AM 3 A Yes.

10:58AM 4 MR. INCIONG: Your Honor, I would move to admit 1-24.

10:58AM 5 THE COURT: Any objection?

10:58AM 6 MR. KENNEDY: No objection.

10:58AM 7 THE COURT: Without objection, 1-24 is admitted. You
10:58AM 8 may publish.

10:58AM 9 (Exhibit 1-0024 was received in evidence.)

10:58AM 10 MR. INCIONG: Thank you, Your Honor.

10:58AM 11 BY MR. INCIONG:

10:58AM 12 Q So this is more of a straight-on view of -- of the
10:59AM 13 restaurant; is that correct?

10:59AM 14 A Yes.

10:59AM 15 Q Do you recall the name of the restaurant?

10:59AM 16 A I don't even know the name right here, but we used to call
10:59AM 17 'em -- this restaurant, they give you like pickle onion when
10:59AM 18 you -- when you order food.

10:59AM 19 Q Okay.

10:59AM 20 A That's what I remember.

10:59AM 21 Q Could you put an X or circle where you believe the part of
10:59AM 22 the building it's located?

10:59AM 23 A (Witness complies.)

10:59AM 24 Q Okay. So you have been to that restaurant before as well
10:59AM 25 yourself?

10:59AM 1 A Yes.

10:59AM 2 MR. INCIONG: Okay. Could we show Mr. Miller

10:59AM 3 Exhibit 1-25, please.

10:59AM 4 BY MR. INCIONG:

10:59AM 5 Q Do you recognize this, sir?

10:59AM 6 A Yes.

10:59AM 7 Q How do you recognize that?

10:59AM 8 A That -- that's the restaurant.

10:59AM 9 Q Is that the front entry to the restaurant?

10:59AM 10 A Yeah.

10:59AM 11 Q Can you see the name of it now?

10:59AM 12 A Yes.

10:59AM 13 Q Does that refresh your recollection as --

10:59AM 14 A Yes.

10:59AM 15 Q Is this an accurate shot of the front area or entrance to

10:59AM 16 that restaurant?

10:59AM 17 A Yes.

10:59AM 18 MR. INCIONG: Your Honor, I would move to admit 1-25.

11:00AM 19 THE COURT: Any objection?

11:00AM 20 MR. KENNEDY: No objection.

11:00AM 21 THE COURT: Without objection, 1-25 is admitted. You

11:00AM 22 may publish.

11:00AM 23 (Exhibit 1-0025 was received in evidence.)

11:00AM 24 MR. INCIONG: Thank you, Your Honor.

11:00AM 25 BY MR. INCIONG:

11:00AM 1 Q Now, Mr. Miller, this is the front door, front entrance to
11:00AM 2 that restaurant?
11:00AM 3 A Yes.
11:00AM 4 Q And can you see the name now?
11:00AM 5 A Yes.
11:00AM 6 Q And what is the name of this restaurant?
11:00AM 7 A Penny's.
11:00AM 8 MR. INCIONG: Could we have the witness shown
11:00AM 9 Exhibit 1-26, please.
11:00AM 10 BY MR. INCIONG:
11:00AM 11 Q Do you recognize this, sir?
11:00AM 12 A Yes.
11:00AM 13 Q This is just a closer view of the last photograph?
11:00AM 14 A Yes.
11:00AM 15 Q Does this accurately show the front area or entrance to
11:00AM 16 the restaurant?
11:00AM 17 A Yes.
11:00AM 18 MR. INCIONG: Your Honor, I would move to admit
11:00AM 19 Exhibit 1-26.
11:00AM 20 THE COURT: Any objection?
11:00AM 21 MR. KENNEDY: No objection.
11:00AM 22 THE COURT: 1-26 is admitted without objection. You
11:00AM 23 may publish.
11:00AM 24 (Exhibit 1-0026 was received in evidence.)
11:00AM 25 MR. INCIONG: Thank you, Your Honor.

11:00AM 1 BY MR. INCIONG:

11:00AM 2 Q So this is just the front door, front entrance, sir?

11:00AM 3 A Yes.

11:00AM 4 Q Is there any other entrance that you're aware of?

11:00AM 5 A I think you could -- at that door right there, I think you

11:01AM 6 could walk inside that one too.

11:01AM 7 Q Okay.

11:01AM 8 A That's the same restaurant, if I'm not mistaken.

11:01AM 9 Q All right. And the other door, could you put an X

11:01AM 10 where --

11:01AM 11 A (Witness complies.) This one, yeah.

11:01AM 12 Q Okay.

11:01AM 13 MR. INCIONG: All right. Could we have Mr. Miller

11:01AM 14 shown Exhibit 1-27.

11:01AM 15 I think we can skip that. Could we look at 1-28?

11:01AM 16 BY MR. INCIONG:

11:01AM 17 Q Do you recognize this, Mr. Miller?

11:01AM 18 A Yeah.

11:01AM 19 Q How do you recognize that?

11:01AM 20 A That's the -- that's to the right of the restaurant if

11:01AM 21 we're looking at 'em.

11:01AM 22 Q Okay. Are there other businesses that are adjacent there?

11:01AM 23 A Yeah.

11:01AM 24 Q Is there parking that's also available there?

11:01AM 25 A Yes.

11:01AM 1 Q Do you recognize this as looking the same or substantially
11:01AM 2 the same as when you saw it?

11:01AM 3 A Yes.

11:01AM 4 MR. INCIONG: Okay. I would move to admit 1-28,
11:01AM 5 please.

11:01AM 6 THE COURT: Any objection?

11:01AM 7 MR. KENNEDY: No objection.

11:01AM 8 THE COURT: Without objection, 1-28 is admitted. You
11:01AM 9 may publish.

11:01AM 10 (Exhibit 1-0028 was received in evidence.)

11:02AM 11 MR. INCIONG: Thank you, Your Honor.

11:02AM 12 BY MR. INCIONG:

11:02AM 13 Q So this would -- this would be just to the right of the
11:02AM 14 entrance to Penny's. Is that true?

11:02AM 15 A Yes.

11:02AM 16 MR. INCIONG: All right. Finally, could we have the
11:02AM 17 witness shown Exhibit 1-29.

11:02AM 18 BY MR. INCIONG:

11:02AM 19 Q Do you recognize that?

11:02AM 20 A Yes.

11:02AM 21 Q How do you recognize that?

11:02AM 22 A The same -- same picture, different angle.

11:02AM 23 Q Is there -- does this show -- is there a parking garage
11:02AM 24 there adjacent to the restaurant?

11:02AM 25 A Yeah, looks like one Hawaii Transmission over there.

11:02AM 1 Q Does this photo accurately show that portion --

11:02AM 2 A Yes.

11:02AM 3 Q -- of the building next to Penny's restaurant?

11:02AM 4 A Yes.

11:02AM 5 MR. INCIONG: Your Honor, I would move to admit

11:02AM 6 Exhibit 1-29.

11:02AM 7 THE COURT: Any objection?

11:02AM 8 MR. KENNEDY: No objection.

11:02AM 9 THE COURT: Without objection, 1-29 is admitted, and

11:02AM 10 you may publish.

11:02AM 11 (Exhibit 1-0029 was received in evidence.)

11:02AM 12 MR. INCIONG: Thank you, Your Honor.

11:02AM 13 BY MR. INCIONG:

11:02AM 14 Q So this was the place that you knew A1 went to eat,

11:02AM 15 correct?

11:02AM 16 A Yes.

11:02AM 17 Q You mentioned there were other places that you had

11:03AM 18 established he would visit on a -- on a regular basis?

11:03AM 19 A Yes.

11:03AM 20 Q Did you have -- make any plans to actually do anything

11:03AM 21 more than -- than follow him?

11:03AM 22 A Yes.

11:03AM 23 Q Tell us about those.

11:03AM 24 A So this specific time?

11:03AM 25 Q Well, let's go back before -- before we talk about this

11:03AM 1 specific location.

11:03AM 2 A Okay.

11:03AM 3 Q Were there any other locations that you attempted to
11:03AM 4 encounter A1?

11:03AM 5 A Yeah, I mean before -- so before when -- when we was going
11:03AM 6 with Jake when the -- when the plan was still -- when the plan
11:03AM 7 was still third base 'em, we was following him, and he was
11:03AM 8 going around town a lot, but he was at a restaurant in -- in
11:03AM 9 Downtown area somewhere, close to Kapahulu, he was like at one
11:03AM 10 Japanese restaurant over there, and he was parked in the back.

11:03AM 11 So -- so Jake had -- I was sitting in the back. Jake
11:04AM 12 was sitting in the -- in the front. And we wen' park next to
11:04AM 13 his -- I think it was an SUV. We wen' park blocking the view
11:04AM 14 to -- to the restaurant and his truck was parked right there.
11:04AM 15 So when he was in the restaurant eating, we kind of -- we could
11:04AM 16 kind of see him when he was coming out. And I told Jake, I
11:04AM 17 said, Hey, Jake, just when he come out -- when he come out,
11:04AM 18 when he -- when he opening his car, just walk behind him and
11:04AM 19 just -- just clean him out. You know, he had a little baton
11:04AM 20 stick like that, you know, but he was going -- he was going
11:04AM 21 knock him out first, and then just beat him till -- I told him
11:04AM 22 just don't stop. I told him, Don't even stop, you know. Even
11:04AM 23 if somebody comes, just don't stop. Just keep going.

11:05AM 24 Q What did you tell him that?

11:05AM 25 A Because that's -- was the definition of third basing the

11:05AM 1 guy.

11:05AM 2 Q The definition from Mr. Miske?

11:05AM 3 A Yes.

11:05AM 4 Q Okay. Did that happen?

11:05AM 5 A No.

11:05AM 6 Q Why not?

11:05AM 7 A Because exactly when -- when he was walking out, had a
11:05AM 8 group of -- had a group of old ladies that was -- that was just
11:05AM 9 coming back with him. You know, like right in front of him.
11:05AM 10 And they had their car parked like right next to his. So,
11:05AM 11 yeah, that never -- that never --

11:05AM 12 Q It was called off?

11:05AM 13 A Yeah. Jake -- Jake wanted to still do 'em, but, you know,
11:05AM 14 I was like, Hey, we gotta -- we no leaving these -- these
11:05AM 15 ladies are going to call the cops quick, you know, as soon as
11:05AM 16 they see that.

11:05AM 17 Q Do you recall other places that you followed A1?

11:05AM 18 A Yeah, I followed him a lot.

11:06AM 19 Q Where are some other places?

11:06AM 20 A Even outside of his -- sometimes he used to park outside.
11:06AM 21 I don't know if maybe he had guests over that used to park in
11:06AM 22 the parking spot, but he used to park outside of his -- outside
11:06AM 23 of the Honda building where we used to park -- where I said we
11:06AM 24 used to park and follow him in, he was parked out there. So I
11:06AM 25 would look at the tracker sometimes at night and would be -- it

11:06AM 1 would be late at night, and the car was parked over there. So
11:06AM 2 I thought -- I thought like he was coming out or something like
11:06AM 3 that.

11:06AM 4 So I got in touch with -- with Jake and them, and I
11:06AM 5 told 'em, Hey, let's go to -- let's go to town. So we took two
11:06AM 6 cars, parked one. Ali'i was in the other car, parked. Me and
11:06AM 7 Jake was in one watching if he came out that day. He never
11:06AM 8 came out. And we stayed there all the way till the morning and
11:06AM 9 he never came out.

11:06AM 10 MR. INCIONG: Could I have the witness shown
11:07AM 11 Exhibit 1-11, please.

11:07AM 12 BY MR. INCIONG:

11:07AM 13 Q Do you recognize this, Mr. Miller?

11:07AM 14 A Yes.

11:07AM 15 Q How do you recognize that?

11:07AM 16 A That's Sand Island Road. Kind of blurry, but yeah.

11:07AM 17 Q But what is this -- not so much as the -- what's the
11:07AM 18 content right now, but how do you recognize this particular
11:07AM 19 map? How did you get that or where did you see that?

11:07AM 20 A Okay. So this is the restaurant that we was looking at
11:07AM 21 earlier. If this is the --

11:07AM 22 Q So let me -- let me clarify. So I'm not asking you about
11:07AM 23 what is actually specifically shown yet, but as far as this --
11:07AM 24 this visual, this map, where did you see this before? Where
11:07AM 25 did you get this from, if you you've seen it before?

11:07AM 1 A Oh, it's from -- it's from the -- the tracker.

11:07AM 2 Q Okay. So is this an example of an image that you would
11:08AM 3 receive from the tracking device?

11:08AM 4 A Yes.

11:08AM 5 Q Is this -- do you recognize this being one that you
11:08AM 6 received when you were following A1?

11:08AM 7 A Yes.

11:08AM 8 Q Some of the locations that are now noted on there, are
11:08AM 9 those consistent with where you followed A1?

11:08AM 10 A Yes.

11:08AM 11 Q Is this image an accurate representation of the
11:08AM 12 information you had received from the tracker?

11:08AM 13 A Yes.

11:08AM 14 MR. INCIONG: Your Honor, I would move to admit
11:08AM 15 Exhibit 1-11.

11:08AM 16 THE COURT: Any objection?

11:08AM 17 MR. KENNEDY: No objection.

11:08AM 18 THE COURT: Without objection, 1-11 is admitted. You
11:08AM 19 may publish.

11:08AM 20 (Exhibit 1-0011 was received in evidence.)

11:08AM 21 MR. INCIONG: Thank you, Your Honor.

11:08AM 22 BY MR. INCIONG:

11:08AM 23 Q So this would -- this would pop up on your phone if you're
11:08AM 24 using the app using the tracking device?

11:08AM 25 A Yes.

11:08AM 1 Q And was this in real time?

11:08AM 2 A Yes.

11:08AM 3 Q So it would show you exactly where the vehicle was and
11:08AM 4 where it was moving?

11:08AM 5 A Yeah.

11:08AM 6 Q And --

11:08AM 7 A Like if the -- if the vehicle was moving, it would show
11:08AM 8 exactly what street, where the thing was parking, how fast the
11:09AM 9 thing was going and stuff.

11:09AM 10 Q So this says on this particular exhibit "To Sand Island
11:09AM 11 Parkway." That's where the restaurant was located?

11:09AM 12 A Yes.

11:09AM 13 Q And from Queen Street, was that in the vicinity of where
11:09AM 14 Al lived, at least generally?

11:09AM 15 A Yeah, I mean -- Queen Street? Ah, no. I don't know why I
11:09AM 16 said that.

11:09AM 17 Q Okay. Well, this is -- this is a snapshot in time,
11:09AM 18 correct?

11:09AM 19 A Yes.

11:09AM 20 Q So this would just show at that particular moment where
11:09AM 21 the vehicle was located?

11:09AM 22 A Yes.

11:09AM 23 Q If it was five minutes later, the picture would look
11:09AM 24 different --

11:09AM 25 A Yes.

11:09AM 1 Q -- if the vehicle was moving. Is that true?

11:09AM 2 A Yes.

11:09AM 3 Q Okay. Did you rely on these -- these images and this

11:09AM 4 information from the tracker to follow A1?

11:09AM 5 A Yes. The image is like this.

11:09AM 6 Q Okay. So was there an occasion that you actually took a

11:10AM 7 group other than just yourself to the Penny's on Sand Island

11:10AM 8 Parkway to follow A1 there?

11:10AM 9 A Yes.

11:10AM 10 Q Who do you recall was with you on that particular day?

11:10AM 11 A Norm was there -- Norman Akau, my cousin, and Harry Boy

11:10AM 12 and Ali'i. So Norm -- I was in a different car, Norman and

11:10AM 13 Harry -- Harry Boy was in a different car, and Ali'i was in a

11:10AM 14 different car.

11:10AM 15 Q Okay. So three cars total?

11:10AM 16 A Yes.

11:10AM 17 Q For the four of you total?

11:10AM 18 A Yes.

11:10AM 19 Q All right. So according to the tracking device, was

11:10AM 20 Mr. Calles, A1, at the Penny's location?

11:10AM 21 A Yes.

11:10AM 22 Q Did you physically or visually see his vehicle as well?

11:10AM 23 A Yes.

11:10AM 24 Q What was the plan that day?

11:10AM 25 A So I was -- I was sitting -- they was parked somewhere in

11:10AM 1 the area.

11:10AM 2 Q Who is "they"?

11:10AM 3 A Norm -- Norm and Harry Boy.

11:10AM 4 Q Okay.

11:10AM 5 A They was parked in the area somewhere but close by. So I

11:11AM 6 was following 'em at that time.

11:11AM 7 Q You were following Al?

11:11AM 8 A Yeah, I was following 'em at that time because I was the

11:11AM 9 only one that had the --

11:11AM 10 Q The app?

11:11AM 11 A -- the app, yeah, so I could follow. So when I was --

11:11AM 12 when I was communicating with them, they never know where he

11:11AM 13 was at until I -- I told 'em, I said, Hey, he just pulled up

11:11AM 14 already going into the restaurant. There's no people over here

11:11AM 15 right now. Come over here.

11:11AM 16 And they got there, they sat over there and they was

11:11AM 17 waiting, but I told them -- at that time I was waiting on Ali'i

11:11AM 18 because -- because before they was -- before they was going do

11:11AM 19 'em, I wanted to have that -- that tracking device off the car.

11:11AM 20 Q Okay. So you were going to remove the tracker?

11:12AM 21 A Yes.

11:12AM 22 Q And Justin Wilcox, Ali'i, was going to do that?

11:12AM 23 A Yes.

11:12AM 24 Q Okay. So what happened then?

11:12AM 25 A So Norm them was waiting, they was waiting -- they was

11:12AM 1 waiting for me, and I was telling them wait. They never know
11:12AM 2 that Ali'i was in the other car coming to take that -- the egg
11:12AM 3 off of the car.

11:12AM 4 So anyways, in the meantime while they're waiting,
11:12AM 5 Norm is telling me, Hey, he's coming out right now. He's got
11:12AM 6 his food in his hand. There's a -- the light was green, the
11:12AM 7 traffic light was green. There's nobody in the parking lot.
11:12AM 8 And I told him, No, you -- he gotta get the tracker off. So
11:12AM 9 don't -- don't do it.

11:12AM 10 Q Don't do what?

11:12AM 11 A Don't kill 'em. Don't shoot 'em.

11:12AM 12 Q So nothing happened that day either?

11:12AM 13 A No.

11:12AM 14 Q Were you -- were you able to ever get the tracker off?

11:12AM 15 A Well, at that -- I cannot remember because at that point
11:13AM 16 he had came out and gotten into his truck already. So there
11:13AM 17 was no -- there was no sense in grabbing the tracker off now.

11:13AM 18 Q Okay. I see. How are you -- the four of you, I guess how
11:13AM 19 were you communicating with each other during this time?

11:13AM 20 A We had like the -- like the little -- almost like the
11:13AM 21 Nextel beeps, like the Nextel beep phones like that, like --
11:13AM 22 like walkies.

11:13AM 23 Q So are these actual phones or walkie talkies or both?

11:13AM 24 A I don't know if it was both. I don't know what was -- I
11:13AM 25 know it was the beep ones. I cannot remember.

11:13AM 1 Q All right. But this app that you were using, that had to
11:13AM 2 be done through a cellular phone?

11:13AM 3 A Yes.

11:13AM 4 Q That had to connect through a cellular phone, through the
11:13AM 5 internet?

11:13AM 6 A Yeah. Like I say, but if this was that, but it was
11:13AM 7 exactly like this, this picture right here that I used to use.

11:13AM 8 Q Okay. So did you report back to Mr. Miske about these,
11:13AM 9 you know, close calls, I'll call them, with Jake at the
11:14AM 10 Japanese restaurant and on this occasion at Penny's?

11:14AM 11 A Yes.

11:14AM 12 Q What was his response, if any?

11:14AM 13 A He was -- at that point he was -- he just wanted something
11:14AM 14 done already, you know. I was telling him, I said, Hey, it's
11:14AM 15 hard, Dude. You know. This guy keep -- this guy keep driving
11:14AM 16 around, so he would go back and forth. He said, Hey, just --
11:14AM 17 just fucking third base 'em if you cannot get on -- if the
11:14AM 18 stars no line up, just fucking -- just third base 'em already.
11:14AM 19 Just fucking -- yeah, he was getting -- he was getting -- he
11:14AM 20 just wanted something done at that point.

11:14AM 21 Q So was he frustrated?

11:14AM 22 A Yeah. Like I said earlier, places where we used to meet
11:14AM 23 up at, at Kaka'ako Park down there by John Dominis get that
11:14AM 24 long walkway --

11:14AM 25 Q Right.

11:14AM 1 A -- I used to meet him at places like that, and walk back

11:15AM 2 and forth with him talking about this type of stuff.

11:15AM 3 Q Okay. Now, I want to show you a few videos.

11:15AM 4 MR. INCIONG: If we could show the witness, it's

11:15AM 5 Exhibit 1-009. And there are three videos in particular, video

11:15AM 6 number 2, number 5 and number 6.

11:15AM 7 BY MR. INCIONG:

11:15AM 8 Q Mr. Miller, prior to coming to court today, do you recall

11:15AM 9 viewing the video clips that were part of this exhibit?

11:15AM 10 A Yes.

11:15AM 11 Q Did you recognize those videos?

11:15AM 12 A Yes.

11:15AM 13 Q Did you take those videos yourself?

11:15AM 14 A Yes.

11:15AM 15 Q Was it in the time frame that you were following A1?

11:15AM 16 A Yes.

11:15AM 17 MR. INCIONG: Your Honor, I would move to admit based

11:15AM 18 on the witness's foundation and the stipulation to

11:15AM 19 authenticity.

11:15AM 20 THE COURT: Moving to admit what?

11:16AM 21 MR. INCIONG: Exhibit -- I'm sorry, video number 2,

11:16AM 22 number 5 and number 6 that are part of that exhibit. It's

11:16AM 23 Exhibit Number 1-009. There are a number of videos that are

11:16AM 24 included in that. There's just the three, number 2, number 5

11:16AM 25 and number 6 that I'm referencing.

11:16AM 1 THE COURT: Do you have any objection to the videos
11:16AM 2 being played, Mr. Kennedy?
11:16AM 3 MR. KENNEDY: So just so I'm clear, what I'm looking
11:16AM 4 at now doesn't have a number on it, but can you let me know
11:16AM 5 which ones are --
11:16AM 6 MR. INCIONG: Yes.
11:16AM 7 MR. KENNEDY: -- the videos that you're willing --
11:16AM 8 MR. INCIONG: Yes. If you look in the up are
11:16AM 9 left-hand corner of each box, it says the number.
11:16AM 10 MR. KENNEDY: Kind of hard to see. Should blow it up.
11:16AM 11 MR. INCIONG: Could you blow up --
11:16AM 12 MR. KENNEDY: Pretty small.
11:16AM 13 MR. INCIONG: Could you blow up number 2 for counsel,
11:17AM 14 please?
11:17AM 15 MR. KENNEDY: Okay. So 2 would coordinate to which
11:17AM 16 number of the exhibit?
11:17AM 17 MR. INCIONG: The exhibit number is 1-009.
11:17AM 18 MR. KENNEDY: Okay. So that would be 2.
11:17AM 19 MR. INCIONG: And this is video number 2, yes.
11:17AM 20 MR. KENNEDY: And then --
11:17AM 21 MR. INCIONG: And then video number 5 --
11:17AM 22 MR. KENNEDY: I'm sorry?
11:17AM 23 MR. INCIONG: Video number 5 is the next one. If you
11:17AM 24 scroll down, can show you number 5. And 6 is the next one.
11:17AM 25 MR. KENNEDY: And these are all part of 1-009?

11:17AM 1 MR. INCIONG: Yes.

11:17AM 2 MR. KENNEDY: Three videos?

11:17AM 3 MR. INCIONG: Yes. 1-009 is an extraction off of a
11:17AM 4 cell phone.

11:18AM 5 THE COURT: I think we're looking at each other.

11:18AM 6 Mr. Kennedy, I have --

11:18AM 7 MR. KENNEDY: I'm sorry, Your Honor.

11:18AM 8 THE COURT: My question was pending, do you have an
11:18AM 9 objection to the videos either being admitted or played?

11:18AM 10 MR. KENNEDY: I -- I guess I have an objection only
11:18AM 11 to -- I don't know how they would get to the jury.

11:18AM 12 THE COURT: Well, I have that issue too. That's why I
11:18AM 13 asked the question the way I asked it.

11:18AM 14 MR. KENNEDY: And so that would be --

11:18AM 15 THE COURT: Do you have any objection to the videos?

11:18AM 16 MR. KENNEDY: Yes, I don't think they could use the
11:18AM 17 internet to play them. It looks like what this is, you know,
11:18AM 18 you would click on it and play, but what I see here doesn't
11:18AM 19 have an exhibit number on it. So I don't know how they
11:18AM 20 would -- the jury would actually get it.

11:18AM 21 THE COURT: I'm going address that in a minute. My
11:18AM 22 question is, do you have an objection to the admission of the
11:18AM 23 videos and/or playing them to the jury?

11:19AM 24 MR. KENNEDY: No, I do not, Your Honor, with that.

11:19AM 25 THE COURT: Okay. So you may admit -- each of these

11:19AM 1 videos will be admitted. You may play them and publish them to
11:19AM 2 the jury, but they need to be marked.
11:19AM 3 MR. INCIONG: I'll mark them separately.
11:19AM 4 THE COURT: Separately 1-009 in the format --
11:19AM 5 MR. INCIONG: A, B and C?
11:19AM 6 THE COURT: If you separate them out, the three videos
11:19AM 7 we've spoken of, you can number them however you wish.
11:19AM 8 MR. INCIONG: Okay.
11:19AM 9 THE COURT: They will come into evidence, but the
11:19AM 10 problem is 1-009 isn't a video, it's a two-page report.
11:19AM 11 MR. INCIONG: Yes, it's an extraction report.
11:19AM 12 Correct.
11:19AM 13 THE COURT: Right. So with that, I think that
11:19AM 14 addresses Mr. Kennedy's concern, which is also my concern. But
11:19AM 15 you may publish the videos themselves.
11:19AM 16 MR. INCIONG: Thank you, Your Honor. Appreciate it.
11:19AM 17 So can we begin with then video number 2, which we
11:19AM 18 will remark separately.
11:20AM 19 We need volume, please.
11:20AM 20 (Video was played.)
11:20AM 21 BY MR. INCIONG:
11:20AM 22 Q Who is talking on that video, sir?
11:20AM 23 A That's me.
11:20AM 24 Q Who took that video?
11:20AM 25 A Me.

11:20AM 1 Q What were you doing at that time?

11:20AM 2 A I was looking for -- for Elgin.

11:20AM 3 Q Who were you directing that video to?

11:20AM 4 A I was -- I was showing that to Mikey.

11:20AM 5 Q Mr. Miske?

11:20AM 6 A Yes.

11:20AM 7 Q It doesn't sound like you were very happy.

11:20AM 8 A No.

11:20AM 9 Q Why not?

11:20AM 10 A I mean, I no remember the talks we was having, but it was

11:20AM 11 Christmas Eve, you know, and -- and he told me -- I forget how

11:21AM 12 that whole thing went down, though, but I went out there for

11:21AM 13 see if he was there, and he wasn't there.

11:21AM 14 Q So you went out there based on the information that

11:21AM 15 someone gave you?

11:21AM 16 A Yes.

11:21AM 17 Q Who gave you that information?

11:21AM 18 A Miske.

11:21AM 19 Q But you did not see Mr. Calles, A1?

11:21AM 20 A No.

11:21AM 21 Q This was Christmas Eve. Do you recall what year?

11:21AM 22 A No.

11:21AM 23 Q Was this after Jonathan Fraser disappeared?

11:21AM 24 A I don't know. I don't know.

11:21AM 25 Q Why did you feel the need to be out on Christmas Eve

11:21AM 1 looking for A1?

11:21AM 2 A I never feel a need, you know.

11:21AM 3 Q But why were you there?

11:21AM 4 A I don't really remember that whole -- what I was feeling
11:21AM 5 at that time, Mark.

11:21AM 6 Q Okay.

11:21AM 7 A You know, what needs I was feeling, I don't remember.

11:21AM 8 Q Well, it was Christmas Eve, you mentioned that a couple of
11:21AM 9 times, right?

11:21AM 10 A Yeah, Christmas Eve.

11:21AM 11 Q So were there other things you would have been doing
11:21AM 12 instead?

11:21AM 13 A Yeah, of course you'd be.

11:22AM 14 Q So why were you there?

11:22AM 15 A I was there for see if Elgin was there.

11:22AM 16 MR. INCIONG: If we could show video number 5 next,
11:22AM 17 please.

11:22AM 18 (Video was played.)

11:22AM 19 BY MR. INCIONG:

11:22AM 20 Q Whose voice was on that video?

11:22AM 21 A Mines.

11:22AM 22 Q Who took that video?

11:22AM 23 A Me.

11:22AM 24 Q What were you focusing on in that video?

11:22AM 25 A That's his black truck right there.

11:22AM 1 Q That was A1's black truck?

11:22AM 2 A Black truck, yeah.

11:22AM 3 Q You were following him that day?

11:22AM 4 A Yes.

11:23AM 5 Q You heard the date that you said?

11:23AM 6 A Yes.

11:23AM 7 Q It was April 19th?

11:23AM 8 A Right.

11:23AM 9 Q Do you know the year?

11:23AM 10 A No.

11:23AM 11 Q So the other video you said December 24th, correct?

11:23AM 12 A Right.

11:23AM 13 Q So either way, whether it was before or after that,

11:23AM 14 there's a few months in between at least?

11:23AM 15 A Yes.

11:23AM 16 Q Is that how approximately how long you were following

11:23AM 17 Mr. Calles around?

11:23AM 18 A Yes.

11:23AM 19 MR. INCIONG: Finally, could we show video number 6.

11:23AM 20 (Video was played.)

11:24AM 21 BY MR. INCIONG:

11:24AM 22 Q Who took that video, sir?

11:24AM 23 A Me.

11:24AM 24 Q Was this the same day as the video you just saw before?

11:24AM 25 A I don't know.

11:24AM 1 Q It was it the same location?

11:24AM 2 A Yes.

11:24AM 3 Q Where was that exactly?

11:24AM 4 A That's in front of BJ Penn's gym.

11:24AM 5 Q Is that the Kaka'ako area?

11:24AM 6 A Yes.

11:24AM 7 Q All right. Why did you take that video?

11:24AM 8 A I used to go back and show 'em to Mikey and telling him

11:24AM 9 like, Hey, this fucking -- he's always -- like he's always in

11:24AM 10 the Downtown area. You know, I ask his feedback what he think

11:24AM 11 about that.

11:24AM 12 Q So you were communicating regularly with Mr. Miske as to

11:24AM 13 where A1's whereabouts?

11:24AM 14 A Yes.

11:24AM 15 Q As far as anything you arranged, was an assault or

11:24AM 16 anything more ever carried out on A1?

11:24AM 17 A No.

11:24AM 18 Q Was this the only person that Mr. Miske asked you to

11:25AM 19 follow around during this time period?

11:25AM 20 A No.

11:25AM 21 Q You testified earlier in the case about someone by the

11:25AM 22 name of Joe Boy Tavares.

11:25AM 23 A Yes.

11:25AM 24 Q Did Joe Boy Tavares's name ever come up again?

11:25AM 25 A Yes.

11:25AM 1 Q When did that come up?

11:25AM 2 A That name always came up. You know, he always -- that --

11:25AM 3 that name, I just can remember that name came up. He just

11:25AM 4 hated him.

11:25AM 5 Q So initially you said this is when you were young and you

11:25AM 6 were checking up on Joe Boy back in the back roads, right?

11:25AM 7 A Yes.

11:25AM 8 Q Did you ever do more than that?

11:25AM 9 A Well, specifically this is after -- this is after -- after

11:25AM 10 his son died when that whole Fraser thing was going on.

11:25AM 11 Q Okay.

11:25AM 12 A But -- so he's -- he don't care about nothing at this

11:25AM 13 point, you know. He's like --

11:25AM 14 Q Who is "he"?

11:25AM 15 A Miske. So --

11:26AM 16 Q Why is that?

11:26AM 17 A Huh?

11:26AM 18 Q What do you mean he doesn't care about nothing?

11:26AM 19 A Like he -- he no care. He never -- his whole mood just

11:26AM 20 wen' change. Like he never give a shit about nothing.

11:26AM 21 Q This was after Fraser's disappearance?

11:26AM 22 A After his son, after Fraser, yeah, after all of that.

11:26AM 23 Q Okay.

11:26AM 24 A He never care about nothing already.

11:26AM 25 Q All right. So go on.

11:26AM 1 A So specifically Joe Boy, he met with me one day and he was
11:26AM 2 like, Hey, what about -- he call 'em back roads -- he said,
11:26AM 3 What about back roads down there? What the hell? Go down
11:26AM 4 there and -- go down there and fucking just -- just down 'em
11:26AM 5 already.

11:26AM 6 And -- so anyways we're talking, he's giving me shit
11:26AM 7 about -- about me not being there for him again. And I told
11:26AM 8 him, I said, Going to go talk to -- going to go talk to
11:26AM 9 somebody.

11:26AM 10 So I went back, I talked to Harry Boy, and I was like,
11:26AM 11 Hey, what you think about -- about Joe Boy back there? You
11:27AM 12 know, I guess somebody like pay for -- for clip 'em. And then
11:27AM 13 he was like -- at first he was like, Joe Boy? And I was like,
11:27AM 14 Yeah. And he was like -- he wen' agree, he wanted for do 'em.
11:27AM 15 So I was like, All right.

11:27AM 16 I went back to Miske, I told him, I'm going to grab
11:27AM 17 you some scrips because it going to cost 'em, you going have
11:27AM 18 to -- you're going to have to follow 'em and everything like
11:27AM 19 that, going cost 'em -- going to cost some money for do that,
11:27AM 20 so I going grab -- grab some money from Miske. I never say 'em
11:27AM 21 like that, but that's what I was -- that's what I was about to
11:27AM 22 do.

11:27AM 23 So I went back -- the time frame is not all lined up,
11:27AM 24 but I just giving you an overview on 'em. I wen' to go see
11:27AM 25 Miske after talking to Harry Boy, and told Miske, I get

11:27AM 1 somebody that like do 'em. Just give me some money. So he --
11:27AM 2 he went -- he met me after that, he gave me ten grand, you
11:28AM 3 know, as like one down payment. You know, he said, We'll talk
11:28AM 4 about the rest when it's done. Just fucking get this shit
11:28AM 5 done.

11:28AM 6 So I left, I went back to go see Harry Boy, and I told
11:28AM 7 Harry Boy what -- what went on, and -- and I gave him the
11:28AM 8 money -- I gave him -- I gave him eight grand. I told him, Hey
11:28AM 9 you, gotta get one car over here for two grand, just one burner
11:28AM 10 car that you can throw away. So he took the money.

11:28AM 11 And then I went with him a few times. I told him, I
11:28AM 12 was doing -- I was doing some other stuff. So we gotta -- you
11:28AM 13 know what I mean, you got the money already, do -- do what you
11:28AM 14 said you was going do. So he agreed.

11:28AM 15 The couple of times I went with him, this specific guy
11:28AM 16 that we talking about, he always go to -- he always go to the
11:28AM 17 chicken fights. Every week he go to gambling places, roll dice
11:29AM 18 and stuff like that. So I went with Harry Boy a few places and
11:29AM 19 showed him, I said, Hey, this is where he's at, if he rolling
11:29AM 20 dice over here, that warehouse right there. I told him, Hey,
11:29AM 21 if you go to the fights right here, anywhere on these roads, no
11:29AM 22 more nobody on these roads in Waianae, I said, When he coming
11:29AM 23 back from the fights -- I showed him the -- I said, Look, he
11:29AM 24 always goes down these roads right here. So you still living
11:29AM 25 in Nalo. Do what you said you was going do.

11:29AM 1 So I'm talking to him like that and -- yeah, that's

11:29AM 2 what went on with that.

11:29AM 3 Q Okay. And to your knowledge, did Harry Kauhi ever carry

11:29AM 4 out any of those --

11:29AM 5 A Not to my knowledge, you know. I know he was -- I know he

11:29AM 6 was following him, you know, but -- like he told me he came

11:29AM 7 back and told me like -- like he followed him a few times,

11:29AM 8 but -- yeah, I don't know if he did nothing, not -- not to my

11:30AM 9 knowledge.

11:30AM 10 Q Did you and Mr. Miske ever discuss whether Mr. Kauhi had

11:30AM 11 ever carried out the plans?

11:30AM 12 A Yeah, we talked about it after that. I told him -- I told

11:30AM 13 him -- yeah, after that he was even more frustrated, you know.

11:30AM 14 He was like -- because he gave me the money. You know what I

11:30AM 15 mean, he was just more frustrated after that.

11:30AM 16 Q Because nothing had happened?

11:30AM 17 A Yeah, nothing was happening right away.

11:30AM 18 Q Did you find out that Mr. Miske made his own plans to try

11:30AM 19 and take action against Joe Boy Tavares?

11:30AM 20 A Yeah.

11:30AM 21 Q How did you find that out?

11:30AM 22 A Well, he told me about the -- about the situation. Like

11:30AM 23 he was fucking --

11:30AM 24 Q What did he tell you?

11:30AM 25 A He told me, These dummies right here -- he was talking

11:30AM 1 about -- he was talking about Lance and Jake and them -- and he
11:30AM 2 said, These fucking dummies went down there, they was waiting
11:30AM 3 across the -- they was waiting across the street from his house
11:30AM 4 in the bushes, still couldn't get 'em done. You know.

11:31AM 5 Q Had you talked to -- to Jake Smith or Lance Bermudez about
11:31AM 6 that?

11:31AM 7 A No.

11:31AM 8 Q So that was something he had arranged?

11:31AM 9 A Yeah, that was something he said -- he said with that,
11:31AM 10 just --

11:31AM 11 MR. INCIONG: Could we show Mr. Miller Exhibit 1-34,
11:31AM 12 please?

11:31AM 13 THE COURT: Go ahead.

11:31AM 14 BY MR. INCIONG:

11:31AM 15 Q Do you recognize who's shown in the --

11:31AM 16 A Yes.

11:31AM 17 Q How do you recognize that picture?

11:31AM 18 A That's Bermudez.

11:31AM 19 Q And this is the picture -- or is this the person that you
11:31AM 20 just referenced in the testimony a few seconds ago?

11:31AM 21 A Yes.

11:31AM 22 Q How did you know Lance Bermudez?

11:31AM 23 A I knew -- he was running around with Jake them. You know,
11:31AM 24 he was going around -- he was running around robbing -- robbing
11:31AM 25 everybody.

11:31AM 1 Q Does this picture accurately show Lance as he appeared at
11:31AM 2 that time?

11:31AM 3 A Yes.

11:31AM 4 MR. INCIONG: Your Honor, I would move to admit
11:31AM 5 Exhibit 1-34.

11:31AM 6 THE COURT: Any objection?

11:31AM 7 MR. KENNEDY: No objection.

11:31AM 8 THE COURT: Without objection, 1-34 is admitted. You
11:32AM 9 may publish.

11:32AM 10 (Exhibit 1-0034 was received in evidence.)

11:32AM 11 MR. INCIONG: Thank you, Your Honor. May I publish?

11:32AM 12 THE COURT: Yes.

11:32AM 13 MR. INCIONG: And if I could replace -- take some of
11:32AM 14 the photos off the face board and replace it with
11:32AM 15 Mr. Bermudez --

11:32AM 16 THE COURT: Yes.

11:32AM 17 MR. INCIONG: -- along with Mr. Smith, who is still
11:32AM 18 there.

11:32AM 19 THE COURT: Yes.

11:32AM 20 MR. INCIONG: Thank you.

11:32AM 21 BY MR. INCIONG:

11:32AM 22 Q So this is Lance Bermudez?

11:32AM 23 A Yes.

11:32AM 24 Q And this is the person that Mr. Miske told you he
11:32AM 25 discussed along with Jake Smith about carrying out a hit on Joe

11:32AM 1 Boy Tavares?

11:32AM 2 A Yes.

11:32AM 3 Q Was there anyone else that he told you was involved?

11:32AM 4 A I cannot remember.

11:32AM 5 Q As far as you know, did anything ever happen in regard to

11:32AM 6 Joe Boy Tavares?

11:32AM 7 A No, not that I know.

11:32AM 8 Q Earlier today you mentioned the name Ryan Teramoto, and I

11:32AM 9 said we would get back to that.

11:32AM 10 A Mm-hmm.

11:32AM 11 Q Who is Ryan Teramoto?

11:32AM 12 A One of Miske's friends from long time ago.

11:32AM 13 Q Did you know Ryan Teramoto?

11:33AM 14 A Yes.

11:33AM 15 Q You met him?

11:33AM 16 A Yes. I know him -- I know him for a long time too.

11:33AM 17 Q Was there a certain nickname that you knew him as?

11:33AM 18 A Certified.

11:33AM 19 Q Why was he called Certified?

11:33AM 20 A He had one company named Certified, so we used to call him

11:33AM 21 that.

11:33AM 22 Q Was Mr. Teramoto from the same neighborhood as you?

11:33AM 23 A Yes.

11:33AM 24 Q So he grew up in Waimanalo as well?

11:33AM 25 A Yes.

11:33AM 1 Q That's how you guys all know each other?

11:33AM 2 A Yes.

11:33AM 3 Q You described him as being good friends with Mr. Miske.

11:33AM 4 A Yes.

11:33AM 5 Q Did that change at any point?

11:33AM 6 A Yes.

11:33AM 7 Q What caused that to change?

11:33AM 8 A So one day Miske -- Miske tells me, Fucking -- he was --
11:33AM 9 he had listening devices, like he had planted listening devices
11:33AM 10 inside of his girlfriend's car, Tori. Tori Clegg.

11:33AM 11 Q Okay.

11:33AM 12 A So he was hearing that she was talking to somebody, you
11:34AM 13 know, but he was telling me, he said, Fuck it, I cannot
11:34AM 14 figure -- I cannot figure out -- I know she talking to
11:34AM 15 somebody. I cannot figure out who she talking to.

11:34AM 16 Because this thing only -- only pick up sound when
11:34AM 17 somebody talking, and the thing go back off again. So, yeah,
11:34AM 18 he was telling me that. Then he found out that he was -- that
11:34AM 19 she was actually talking to Certified. You know.

11:34AM 20 Q Okay. Let me stop you right there then for one second.
11:34AM 21 Let me show you a couple of photos.

11:34AM 22 MR. INCIONG: If we can start with 1-0066. This has
11:34AM 23 been previously admitted into evidence, I believe.

11:34AM 24 THE WITNESS: Yes.

11:34AM 25 MR. INCIONG: May I publish that, Your Honor?

11:34AM 1 THE COURT: Yes, it has been admitted. You may
11:34AM 2 publish.

11:34AM 3 MR. INCIONG: Thank you.

11:34AM 4 BY MR. INCIONG:

11:34AM 5 Q This is Tori Clegg?

11:34AM 6 A Yes.

11:34AM 7 Q This is the girlfriend you were referencing?

11:34AM 8 A Yes.

11:34AM 9 Q Okay. Can I show you now 1-0655.

11:34AM 10 MR. INCIONG: Or show the witness, please.

11:34AM 11 BY MR. INCIONG:

11:35AM 12 Q Do you recognize who's shown in that photo?

11:35AM 13 A Yes.

11:35AM 14 Q Who is that?

11:35AM 15 A Ryan Teramoto.

11:35AM 16 Q Is that -- that's the person you know as Certified?

11:35AM 17 A Yes.

11:35AM 18 Q Does that picture accurately show him, how -- how he
11:35AM 19 appears?

11:35AM 20 A Yes.

11:35AM 21 MR. INCIONG: Your Honor, I would move to admit
11:35AM 22 Exhibit 1-0655.

11:35AM 23 THE COURT: Any objection?

11:35AM 24 MR. KENNEDY: No objection.

11:35AM 25 THE COURT: Without objection, 1-655 is admitted. You

11:35AM 1 may publish.

11:35AM 2 (Exhibit 1-0655 was received in evidence.)

11:35AM 3 MR. INCIONG: Thank you, Your Honor.

11:35AM 4 BY MR. INCIONG:

11:35AM 5 Q And this is Ryan Teramoto?

11:35AM 6 A Yes.

11:35AM 7 Q So you indicated Mr. Miske found out that Ryan Teramoto
11:35AM 8 was talking to Tori Clegg.

11:35AM 9 A Yes.

11:35AM 10 Q What did he -- what did he tell you after that?

11:35AM 11 A He told me he found -- he told me he found out he was
11:35AM 12 talking to him, and he was -- he was mad only because Ryan and
11:35AM 13 him was good friends.

11:35AM 14 Q Okay.

11:35AM 15 A You know, he was mad because -- he was just more mad at
11:35AM 16 Ryan because of that, they was good friends, when he found out
11:35AM 17 that they was talking. So, yeah, he told me he had -- when he
11:36AM 18 found out, he told me he had drove down to this guy was at one
11:36AM 19 soccer game or something like that in Lanikai.

11:36AM 20 Q Who was at a soccer game?

11:36AM 21 A Ryan Teramoto.

11:36AM 22 Q Okay.

11:36AM 23 A He was on a soccer -- he was on a soccer game, and he
11:36AM 24 drove down there, he said he -- he wen' slap him around or
11:36AM 25 lumped him up a little bit. And, yeah, that was that.

11:36AM 1 And then he told me -- he told me, This fucker was
11:36AM 2 holding one M for me, you know. That's how good friends we
11:36AM 3 was. But he told me, I told him, Fucking bring my money back.
11:36AM 4 Q Okay. "Hold one M for me," what does that mean?
11:36AM 5 A A mil -- a million cash. He was holding some -- he was
11:36AM 6 holding some cash for him.
11:36AM 7 Q A million dollars.
11:36AM 8 A Yes, in cash.
11:36AM 9 Q What did he want done with that?
11:36AM 10 A He told me he told -- he told Ryan, Bring my fucking
11:36AM 11 money. You know, give me my fucking money back, like that.
11:37AM 12 Q Were you involved with collecting that money?
11:37AM 13 A Well, Ryan brought 'em back. I wasn't -- actually I
11:37AM 14 remember going -- I mean not going, but we -- I was at the shop
11:37AM 15 talking to him, and either before or a little after, but I
11:37AM 16 wasn't there when Teramoto actually came for drop off the
11:37AM 17 money. So I don't know -- in that time frame I'm at the shop
11:37AM 18 with him, he tell me, Hey, I'm going -- we're going to Chili's
11:37AM 19 in Pearl City, give the -- give the scrips to Yokoyama.
11:37AM 20 Q Okay. So let me make sure I understand this correctly.
11:37AM 21 So you're at the shop --
11:37AM 22 A Yeah.
11:37AM 23 Q -- meaning the Queen Street shop of Kama'aina Termite and
11:37AM 24 Pest Control. The money -- you're not present when the money
11:37AM 25 is dropped off?

11:37AM 1 A Yeah, I not -- I not there when the money was dropped off.

11:37AM 2 Q Did you see the Monday ever?

11:37AM 3 A The -- the money in the bag?

11:37AM 4 Q You tell me.

11:37AM 5 A I mean I seen the bag. I never open up the bag and look

11:38AM 6 at the -- look at the money.

11:38AM 7 Q How did you know there was money in there?

11:38AM 8 A He told me we going to drop off -- we're going to Pearl

11:38AM 9 City drop off the scrips to -- to Yokoyama.

11:38AM 10 Q Okay. And "he" is Mr. Miske?

11:38AM 11 A Yeah, "he" is Mr. Miske, yeah.

11:38AM 12 Q So did you drive with him to Pearl City?

11:38AM 13 A Yeah, we headed to Pearl City and had -- so a few of us

11:38AM 14 went that day, me, Miske, Kaulana Freitas and -- and his

11:38AM 15 brother Johnnie.

11:38AM 16 Q John Stancil?

11:38AM 17 A John Stancil, yeah.

11:38AM 18 Q Okay. Did you meet Mr. -- Jason at the -- at the Chili's?

11:38AM 19 A Yes.

11:38AM 20 Q Okay. What happened --

11:38AM 21 A Pearl City Chili's, like we park -- get one little covered

11:38AM 22 parking over there, and then get Chili's right there.

11:38AM 23 Q And was this bag with you that you were told the money was

11:38AM 24 contained inside?

11:38AM 25 A Yeah.

11:38AM 1 Q Who was the bag given to?

11:38AM 2 A Jason. Jason grabbed the bag.

11:38AM 3 Q Jason Yokoyama?

11:38AM 4 A Yes.

11:39AM 5 Q What did he do with it?

11:39AM 6 A He took it with him. You going to have to ask Jason.

11:39AM 7 Q All right. So he -- Mr. Miske took money back that he had

11:39AM 8 asked Mr. Teramoto to hold for him?

11:39AM 9 A Yeah, up to that point they was -- they was great friends.

11:39AM 10 You know, they was really, really good friends.

11:39AM 11 Q Was that it or was there anything else in regard to

11:39AM 12 Mr. Teramoto that Mr. Miske wanted done?

11:39AM 13 A Oh, after -- after that he wanted to -- yeah, he was -- he

11:39AM 14 was on him after that.

11:39AM 15 Q What does that mean, "he was on him"?

11:39AM 16 A Like he wanted he -- he never -- I no like say he never

11:39AM 17 like -- he never like kill 'em, but he wanted him beat down

11:39AM 18 just -- and kept going, you know. Like he wanted him beat

11:39AM 19 down -- beat down, heal up, beat down again, heal up, beat down

11:39AM 20 again, you know. Because he told me, he said, Fuck, I like go

11:39AM 21 see this fucker in the hospital and look at him -- you know, I

11:40AM 22 look at him in his eyes so he can know that's me that did that

11:40AM 23 to him.

11:40AM 24 Q He said that to you?

11:40AM 25 A Like got that done to him, yeah, he told me that. He told

11:40AM 1 me that's -- he told me, That's what I like done to him.

11:40AM 2 Q You mentioned this listening device of some sort that he
11:40AM 3 was listening to Tori Clegg's conversations on. Did you ever
11:40AM 4 see him actually using that listening device?

11:40AM 5 A One listening device, like he told me he used to -- like
11:40AM 6 he used to -- when she was at work like that, he used to grab
11:40AM 7 the car, take 'em to some shop, and they used to put the stuff
11:40AM 8 inside.

11:40AM 9 Q I see.

11:40AM 10 A Like I don't know if it was a listening device in the car,
11:40AM 11 but, yeah, he told me he had -- he had something done like
11:40AM 12 that.

11:40AM 13 Q All right. Did you take any action to try and carry out
11:40AM 14 this -- I guess third base it would be --

11:40AM 15 A Yes.

11:40AM 16 Q -- that Mr. Miske had requested?

11:40AM 17 A Yes.

11:40AM 18 Q What did you do?

11:40AM 19 A Oh, I -- so at those times he gave me the -- he gave me
11:41AM 20 the tracker. You know, like he gave me his tracker, his egg
11:41AM 21 that he had at this time. I seen him somewhere his -- I seen
11:41AM 22 his truck somewhere, and I put -- I put the egg on his truck.

11:41AM 23 Q You're referring to Mr. Teramoto?

11:41AM 24 A Mr. Teramoto's truck, yeah.

11:41AM 25 Q So -- and you were using that tracker just in the same way

11:41AM 1 you described as with A1?

11:41AM 2 A Yes.

11:41AM 3 Q Were you following him as well in your -- in a vehicle?

11:41AM 4 A Yes.

11:41AM 5 Q Was there any steps taken to carry out Mr. Miske's order?

11:41AM 6 A Yeah, you know, I took Jake -- I took Jake with me a few

11:41AM 7 times. So I told -- I told Jake -- I told Jake, Hey, again,

11:41AM 8 just smash this guy.

11:41AM 9 So caught him one time, he was at -- he golfs a lot,

11:41AM 10 so he was at Olomana golf course in Waimanalo. And Jake, he

11:42AM 11 was in one burner car that -- that I had given him, and I told

11:42AM 12 him, I said, Hey, come over -- I don't know where he was, but I

11:42AM 13 told him, Hey, come over here, grab the -- go park by his

11:42AM 14 truck, grab the egg off -- off of his truck, and then just

11:42AM 15 pound him out right there. I said, Just smash him. Don't even

11:42AM 16 stop.

11:42AM 17 And then for that particular occasion, Miske was also

11:42AM 18 in Waimanalo during that time. So he had jumped in -- I mean I

11:42AM 19 picked him up -- he had parked in front of his mom's house, I

11:42AM 20 picked him up, and across from Olomana had like one -- get one

11:42AM 21 rodeo place up there. So we drove up there, parked -- I parked

11:42AM 22 up there, and then you can clearly see the -- the parking lot

11:42AM 23 area of Olomana from that -- from that view.

11:42AM 24 Q Okay.

11:42AM 25 A And Jake was sitting in the car and waiting for Ryan, just

11:43AM 1 waiting for him come out, but -- but Ryan was walking, and Jake
11:43AM 2 was already -- you know, like the car -- the car Jake was in
11:43AM 3 was blacked out so you couldn't see inside. So Ryan was
11:43AM 4 walking back, and Jake was like following him like on his tail,
11:43AM 5 you know. And then Ryan got kind of spooked out, so he wen'
11:43AM 6 jet back in the -- into the shop, you know.

11:43AM 7 And then Jake was calling me like, Hey, this -- I
11:43AM 8 said, Jake, did you stay following this guy? You stayed right
11:43AM 9 on his ass in a blacked-out car. You know. So that was --
11:43AM 10 that was one time in particular.

11:43AM 11 And then -- and then I was corresponding with Jake,
11:43AM 12 Jake was following him around, and one other time where I told
11:43AM 13 Jake, I said, Jake, this is where he live. You know, this is
11:43AM 14 his house right here. And Jake them was -- Ryan was coming
11:44AM 15 home, and Jake them was following him. And then Ryan had
11:44AM 16 pulled into his garage. Jake them drove straight in, like he
11:44AM 17 was explaining to me the story. He was like, Fuck, I drove
11:44AM 18 straight up to him, he fucking jump out of car, left his door
11:44AM 19 open, ran in the house. You know, he said -- he said -- he
11:44AM 20 used the term "we," Jake, but I don't know who he was with. He
11:44AM 21 was like, Fuck, we started walking around the house, you know.
11:44AM 22 But he said after that he got -- Ryan got spooked after that
11:44AM 23 he, like he put cameras in his house and -- you know.

11:44AM 24 Q So nothing ever was carried out.

11:44AM 25 A That -- that I know of. I know -- I know Jake them kept

11:44AM 1 going back after that, but -- yeah, that was just a few of the
11:44AM 2 incidents that I could remember.

11:44AM 3 MR. INCIONG: All right. Can we show Mr. Miller next
11:44AM 4 Exhibit 1-0067.

11:44AM 5 BY MR. INCIONG:

11:45AM 6 Q Do you recognize who's shown in this picture?

11:45AM 7 A Andrea Kaneakua.

11:45AM 8 Q How do you know Ms. Kaneakua.

11:45AM 9 A That's Mikey's -- that's like his wife, his longtime
11:45AM 10 girlfriend. You know.

11:45AM 11 Q Do you know her personally?

11:45AM 12 A Yes.

11:45AM 13 Q Does this picture accurately depict Ms. Kaneakua?

11:45AM 14 A Yes.

11:45AM 15 MR. INCIONG: Your Honor, I would move to admit
11:45AM 16 Exhibit 1-0067.

11:45AM 17 THE COURT: Any objection?

11:45AM 18 MR. KENNEDY: No objection.

11:45AM 19 THE COURT: Without objection, 1-67 is admitted. You
11:45AM 20 may publish.

11:45AM 21 (Exhibit 1-0067 was received in evidence.)

11:45AM 22 MR. INCIONG: Thank you, Your Honor.

11:45AM 23 BY MR. INCIONG:

11:45AM 24 Q So you described Ms. Kaneakua as his wife, longtime
11:45AM 25 girlfriend?

11:45AM 1 A Longtime girlfriend. Been with him -- like that's his --
11:45AM 2 as he called his solid -- his ride or die girlfriend. You
11:45AM 3 know, like had parts where he used to tell me when things was
11:45AM 4 going bad, he said he thought he was going down, that she would
11:45AM 5 tell him like, Hey, if you want, we out of here, we can go to
11:45AM 6 one different country or something. That's what he used to
11:46AM 7 tell me. Like she was down for him like that.

11:46AM 8 Q Was she employed ever to your knowledge at Kama'aina
11:46AM 9 Termite and Pest Control?

11:46AM 10 A Yeah, she was like the boss. Besides him, she was the
11:46AM 11 boss.

11:46AM 12 Q What do you mean by "the boss"? You mean she like ran the
11:46AM 13 place?

11:46AM 14 A Yeah, pretty much. Besides Mikey, she was the -- she was
11:46AM 15 the --

11:46AM 16 Q Do you recall an incident where there was a disagreement
11:46AM 17 of some sort between them and she moved away?

11:46AM 18 A Yeah, so that -- that particular time right there, like
11:46AM 19 she was -- she had left. He was coming to me and telling me
11:46AM 20 like, Hey, Andie had -- Andie was gone. I was like, What?
11:46AM 21 They was beefing about something. They was beefing about some
11:46AM 22 shit, and Andie had left, and he thought that she had left for
11:46AM 23 good.

11:46AM 24 So he had came to me, he said, Hey, what you think
11:46AM 25 about -- what you think about Andie? I was like, Andie? He

11:47AM 1 was like, Yeah, she went to the Big Island. That should be --
11:47AM 2 that should be easy. I was like -- and he was telling me she
11:47AM 3 went to the Big Island, she went to her brother's house,
11:47AM 4 whatever it was, and he thought that she had left him for good.
11:47AM 5 You know, so he wanted -- he wanted to kill her. He told me --
11:47AM 6 he told me she knew too much. You know, he thought she left
11:47AM 7 for good, and he wanted for kill her. And he told me -- he
11:47AM 8 told me specifically, Go down there and ask Dusky Boy them if
11:47AM 9 they -- if they interested.

11:47AM 10 Q So did you think this was just a heat of the moment type
11:47AM 11 of thing?

11:47AM 12 A Yeah, I thought it was one heat of the moment thing, yeah.
11:47AM 13 I thought it was a heat of the moment thing. But he told me,
11:47AM 14 he said, Hey, go down there and tell them -- yeah, tell them,
11:47AM 15 hey, give them 200 grand, tell them go down there and kill 'em.

11:47AM 16 Q So he specifically asked you to talk to one person in
11:47AM 17 particular?

11:47AM 18 A Yeah. So he told me go down to the North Shore, talk to
11:47AM 19 North Shore about if they like do this.

11:48AM 20 Q North Shore is who?

11:48AM 21 A Dusky Boy.

11:48AM 22 Q Dusky Toledo?

11:48AM 23 A Yes.

11:48AM 24 Q Did you do that?

11:48AM 25 A Yes.

11:48AM 1 Q What did Dusky Boy Toledo say?

11:48AM 2 A So I went down there. I told Dusky Boy, I said, Hey,
11:48AM 3 Dusky Boy, this is -- Dusky Boy was -- he wasn't interested.
11:48AM 4 He was like, No, I not going -- I ain't doing that. You know,
11:48AM 5 I not going -- I not doing that. That's one girl. He never
11:48AM 6 like do 'em.

11:48AM 7 Q Okay. Did you --

11:48AM 8 A But I just told him, Hey, I gotta -- I gotta pass the
11:48AM 9 message because I no like him come down here later and throw
11:48AM 10 'em to you and -- and I never even tell you. That's what I
11:48AM 11 told Dusky Boy. Hey, I never like -- later on you guys talk,
11:48AM 12 and he asks you, Hey, did Mills ever wen' tell you this? And
11:48AM 13 then he say, No, then --

11:48AM 14 Q Why -- why did that concern you?

11:48AM 15 A I mean, I was just -- he told me for pass the message to
11:48AM 16 him, and that was the message. So he said no, he was -- he
11:49AM 17 blew that right off. He laughed that off. He said, I not
11:49AM 18 doing that to one chick.

11:49AM 19 And then -- so I went back and I told Mikey, I said,
11:49AM 20 Hey, he not interested. And Mikey was like -- he shot to me
11:49AM 21 like, Tell 'em four, what about 400 grand? You know, that
11:49AM 22 message I never even -- I never even -- like I took 'em as --
11:49AM 23 as like he just took one more shot, you know. I went out there
11:49AM 24 and I told Dusky Boy, and he -- he never like even more. You
11:49AM 25 know, that was -- that was that.

11:49AM 1 Q And when you spoke to Mr. Toledo on those two times, did
11:49AM 2 you tell him the amounts that was being offered?

11:49AM 3 A Yes. Yeah.

11:49AM 4 Q And he was not interested?

11:49AM 5 A Not interested at all. He said, I wouldn't do it for --

11:49AM 6 Q Did you come back and tell Mr. Miske that Dusky would not
11:49AM 7 do it even for 400,000?

11:49AM 8 A Yes.

11:49AM 9 Q What was his reaction?

11:49AM 10 A He -- I don't know. I cannot remember, but he kind of --
11:50AM 11 he kind of -- so at the times when this was happening right
11:50AM 12 here with Andie, the situation when this was happening, it's
11:50AM 13 like right up to before when Caleb got into the accident, you
11:50AM 14 know.

11:50AM 15 Q Okay.

11:50AM 16 A So like he was -- he was pressing on this -- on this issue
11:50AM 17 all the way up to Caleb got into the accident.

11:50AM 18 Q Okay.

11:50AM 19 A So when Caleb got into the accident, she actually came
11:50AM 20 back down, you know. So -- so he never -- he never push that
11:50AM 21 issue after that. You know, they came -- she came back down to
11:50AM 22 the hospital. Every day I went to the hospital, I always seen
11:50AM 23 her there.

11:50AM 24 Q So they resolved their differences?

11:50AM 25 A Yeah, I mean, I guess. I never say -- I never say

11:50AM 1 nothing.

11:50AM 2 Q Was Ms. Kaneakua close to Caleb?

11:50AM 3 A Yes. Almost like his mom. And when he was younger, she

11:51AM 4 used to -- when I used to be over at the shop, she used to be

11:51AM 5 doing -- helping him with homework and stuff like that. So

11:51AM 6 they was -- they was -- that was like his mom, yeah.

11:51AM 7 Q All right. So there were multiple people then during this

11:51AM 8 time period where he was asking you to follow or seek out

11:51AM 9 people that might be interested in carrying out these hits?

11:51AM 10 A Yes.

11:51AM 11 Q Were there others in addition to these that you've already

11:51AM 12 talked about?

11:51AM 13 A Other people that he wanted to --

11:51AM 14 Q Yes.

11:51AM 15 A Yeah.

11:51AM 16 Q Who?

11:51AM 17 A Yeah, so Teramoto, Andie we went through. So I going

11:51AM 18 bring up this guy Curt -- Curt Swanson. You know. So he used

11:51AM 19 to talk --

11:51AM 20 Q Who is Curt Swanson?

11:51AM 21 A Curt Swanson and Tori were --

11:51AM 22 Q Who are they?

11:51AM 23 A Huh?

11:51AM 24 Q Who are they?

11:51AM 25 A He used to talk about these two guys like one -- like one

11:52AM 1 group, you know. He said they -- he said they wen' cross the
11:52AM 2 line with him one time years ago. He was with his son -- you
11:52AM 3 know, he was with his family, and they basically like punk him
11:52AM 4 in front of his family.

11:52AM 5 Q "Punk him" meaning what? What does that mean?

11:52AM 6 A Like punk him and talk down to him, like talk to him like
11:52AM 7 he was a little bitch, you know. And he said they -- they
11:52AM 8 going pay for that. They just think -- they just like fight or
11:52AM 9 something like that. I no like fight. You know what I mean,
11:52AM 10 fuck them. That's how he used to talk. I no like fight.
11:52AM 11 Fucking down these fuckers. That's how he used to talk about
11:52AM 12 'em.

11:52AM 13 Q So did he specifically ask you to -- to follow them like
11:52AM 14 you did these other people?

11:52AM 15 A Yeah, but I don't know if -- okay, in that area was kind
11:52AM 16 of cloudy because I don't know if they -- one of them had moved
11:52AM 17 or something like that. But in that -- he used to talk about
11:53AM 18 them the same like he used to talk about this guy Blaine. You
11:53AM 19 know, he always -- like Blaine -- Kaakimaka his last name.
11:53AM 20 They used to -- I guess that's the same group, but he took me
11:53AM 21 down to Blaine's house one day in Kuli'ou'ou Valley, he showed
11:53AM 22 me -- he showed me his house. He drove me down there -- Miske
11:53AM 23 drove me down there and showed me his house.

11:53AM 24 Q Okay. Why did -- why did he want you to know where he
11:53AM 25 lived?

11:53AM 1 A You know, I mean, that's another guy he wanted to -- he
11:53AM 2 wanted to down, you know. Like he was just shooting them up at
11:53AM 3 this point. He was like, Fuck these guys, his days is over
11:53AM 4 with already. You know.

11:53AM 5 Q Did you take any steps toward doing anything --

11:53AM 6 A Well, at that point he showed me -- he showed me -- we
11:53AM 7 drove past the house like that, and he was like, Hey, you see
11:53AM 8 the -- you see the where they shooting down the sidewalk,
11:53AM 9 that's the -- that's his house right there.

11:53AM 10 And then he also took me to the -- to the -- I no like
11:54AM 11 he took me. He told me about Blaine was working at the movies
11:54AM 12 and he -- and the bunker that they keep the special effects
11:54AM 13 stuff, the group that he drives is down in the bunkers. So I
11:54AM 14 no remember if he showed me or he told me about that specific
11:54AM 15 bunker, but you can look down on 'em and that's the bunker
11:54AM 16 right there. Similar to the one that he had.

11:54AM 17 Q Did you talk to anybody that might know Blaine or was
11:54AM 18 familiar with that area that could help?

11:54AM 19 A Yes.

11:54AM 20 Q Who was that?

11:54AM 21 A Yeah, I talked to -- on that one I talked to Norm.

11:54AM 22 Q Norman?

11:54AM 23 A Akau.

11:54AM 24 Q Your cousin?

11:54AM 25 A Yes.

11:54AM 1 Q Norman Akau, was he working at the movies at that time?

11:54AM 2 A Yeah. Yes. I talked to -- so Norm almost every time he

11:54AM 3 like -- he wanted Zeph to be involved.

11:54AM 4 Q That's Zeph Salas?

11:54AM 5 A Yes.

11:54AM 6 Q Okay. Did they ever do anything more than just talk about

11:54AM 7 this?

11:54AM 8 A Well, I just told -- I told him about 'em -- you know, I

11:54AM 9 told Norm about 'em. I said, Hey, this guy is asking me all

11:55AM 10 kinds of stuff, you know. He like -- he just like something

11:55AM 11 done, you know what I mean. I'm pretty sure the money don't

11:55AM 12 matter, but if you need -- if you need some scrips, then this

11:55AM 13 is what he like done, you know. And -- yeah, Norm said he

11:55AM 14 going talk to -- talk to Zeph -- he said he was going to talk

11:55AM 15 to Zeph about 'em.

11:55AM 16 Q So during this time period after his son had died and then

11:55AM 17 Fraser was killed, he's asking you to carry out hits on all

11:55AM 18 these different people.

11:55AM 19 A Yes.

11:55AM 20 Q Did he ever ask you to kill someone name Jared Ishiki?

11:55AM 21 A I don't even know who that is. I don't know.

11:55AM 22 Q Did he ever mention Jonathan Fraser again?

11:55AM 23 A No.

11:55AM 24 Q Did he ever ask you to checkup on Fraser, follow him or

11:55AM 25 make sure he was dead?

11:55AM 1 A No.

11:55AM 2 Q Now, I noticed all these different individuals that

11:56AM 3 Mr. Miske wanted to have killed, you asked all these other

11:56AM 4 people if they were interested. Why not you just do it?

11:56AM 5 A I don't know. I was just /I was just putting together --

11:56AM 6 I was just putting things together for him at that time, you

11:56AM 7 know. I don't know. I was -- I was -- that was -- I was just

11:56AM 8 in a different -- different world at that time. You know, I

11:56AM 9 was trying to -- I was trying to do too much for him.

11:56AM 10 Q You're still addicted to the oxycodone --

11:56AM 11 A Yeah.

11:56AM 12 Q -- during this time?

11:56AM 13 A Yes.

11:56AM 14 Q Did you ever go to any sort of rehab program for that?

11:56AM 15 A Yes.

11:56AM 16 Q When did you do that approximately?

11:56AM 17 A I flew to Las Vegas and -- I don't know what -- I don't

11:56AM 18 know what year it was, but I flew out to Las Vegas in the

11:57AM 19 middle. I think it was bad already. It was getting bad. I

11:57AM 20 couldn't even -- I couldn't even -- at that -- when I flew to

11:57AM 21 the -- to the rehab detox center I was already taking over 25

11:57AM 22 at one time, just a handful at one time, and I wouldn't even

11:57AM 23 feel nothing. You know, so I would have to wait one day -- I

11:57AM 24 would have to like almost go through the withdrawals, not

11:57AM 25 taking nothing one day, and then on the -- on the day after

11:57AM 1 that then take something, you know. But that would only bring
11:57AM 2 me down to like -- if I was taking over 25, not taking 'em for
11:57AM 3 one day, I would still have to take like 20 at a time.

11:57AM 4 Q How long was the rehab program?

11:57AM 5 A Oh, I went up there for, ah, say a week.

11:57AM 6 Q That's all?

11:57AM 7 A Yeah, a couple -- I no remember. I no remember the day,
11:57AM 8 but --

11:57AM 9 Q Did it work?

11:57AM 10 A No.

11:57AM 11 Q When did you start using oxy again?

11:57AM 12 A As soon as I -- as soon as I got back. Yeah, the day I
11:57AM 13 got back, you know. The day I got back I was already -- I
11:58AM 14 already was thinking in my head, I was like -- I was like, man,
11:58AM 15 I wonder if I could -- so I was like I wonder if I could just
11:58AM 16 take one again. You know, so I was -- I took one, and I was
11:58AM 17 like one never did work. So I immediately took like five more
11:58AM 18 after that. You know, and I started going up from there again.
11:58AM 19 Just one downward spiral. I was back to over 20 in a few days
11:58AM 20 trying to watch -- trying to -- my son was young at that time.
11:58AM 21 I can't even -- like I would fall asleep. I don't even know my
11:58AM 22 son was -- I was hurting people, I was hurting my family.
11:58AM 23 Yeah.

11:58AM 24 Q How would you describe your relationship with Mr. Miske at
11:58AM 25 this point?

11:58AM 1 A Oh, it was worst -- it was the worst we ever been during

11:58AM 2 that point. It was bad.

11:58AM 3 Q Worst meaning what?

11:58AM 4 A Our friendship, the way we used to look at each other was

11:58AM 5 the worst. Like worst it's ever been. If I say -- when I

11:59AM 6 first came out, the guy that was picking me up and giving me

11:59AM 7 clothes, giving me food, giving me money, giving me one job for

11:59AM 8 get out of the halfway house, yeah, at that point I was

11:59AM 9 addicted to oxys. I couldn't get nothing done for him, you

11:59AM 10 know. It was just -- it was bad. I was in a bad --

11:59AM 11 Q Had he stopped giving you those types of things?

11:59AM 12 A Yeah.

11:59AM 13 Q Were you communicating regularly anymore?

11:59AM 14 A He would send -- he would send me messages still. You

11:59AM 15 know, I would see him -- it was strange because we would always

11:59AM 16 still run into each other. Like I could be at one store buying

11:59AM 17 one musubi, and we would -- like I would come out the store and

11:59AM 18 he would be passing, and he would see me and reverse and pull

11:59AM 19 up and we would talk, and every time we would talk, it was like

11:59AM 20 we was -- we never skip a beat, you know. But I just knew the

12:00PM 21 relationship wasn't -- wasn't as good as it used to be, you

12:00PM 22 know, because of that, you know, because of I was -- at that

12:00PM 23 point I was addicted to oxys. I wasn't getting nothing done.

12:00PM 24 I was -- yeah, I was in a bad, bad stage in my life.

12:00PM 25 Q So would this have been about 2017, somewhere in that time

12:00PM 1 frame?

12:00PM 2 A Yes.

12:00PM 3 Q Does that sound accurate?

12:00PM 4 A Yes.

12:00PM 5 Q I want to take you to June of 2017. Did you make a
12:00PM 6 decision at that point to contact law enforcement?

12:00PM 7 A Yes.

12:00PM 8 Q Who did you -- or how did you try to reach out to law
12:00PM 9 enforcement?

12:00PM 10 A I called -- I called the FBI.

12:00PM 11 THE COURT: Mr. Inciong, I don't mean to interrupt,
12:00PM 12 but I am going interrupt. We are at noon. It sounds like
12:00PM 13 you're transitioning to a different topic.

12:00PM 14 MR. INCIONG: I am.

12:00PM 15 THE COURT: So maybe this would be a good time for a
12:00PM 16 second break?

12:00PM 17 MR. INCIONG: That's fine, Your Honor.

12:00PM 18 THE COURT: Okay. Then we will go ahead now and take
12:01PM 19 our second break of the trial day.

12:01PM 20 As we go to break, I'll remind our jurors to please
21 refrain from discussing the substance of this case with anyone,
22 including each another, until I tell you otherwise; refrain
23 from accessing any media or other accounts of this case that
24 may be out there; and finally, do not conduct any independent
25 investigation into the facts, circumstances or persons

12:01PM 1 involved.

12:01PM 2 When we resume we'll have just a little more than an
12:01PM 3 hour in the trial day left.

12:01PM 4 (Proceedings were recessed at 12:01 p.m. to 12:10
12:10PM 5 p.m.)

12:25PM 6 THE COURT: All right. Mr. Inciong, you may resume
12:25PM 7 when you're ready.

12:25PM 8 MR. INCIONG: Thank you, Your Honor.

12:25PM 9 BY MR. INCIONG:

12:25PM 10 Q Mr. Miller, when we left off you were referencing how in
12:25PM 11 the summer of 2017 you had contacted the FBI. Why did you
12:25PM 12 contact the FBI at that time?

12:25PM 13 A Oh, I was in -- I was in a bad place, you know, in my life
12:25PM 14 at that time. You know, I was -- who knows how far it could
12:25PM 15 have went. You know, I was in a bad place with myself, my
12:25PM 16 family, my friends. Everybody. I was just in a bad place.
12:25PM 17 And my -- and my -- the oxy addiction that I had, I was just --
12:25PM 18 I was just in a bad place. You know, it's not like there's --
12:26PM 19 not like there's a place you can call to get help for
12:26PM 20 everything that was going through, you know. So I just
12:26PM 21 wanted -- I needed help. You know, I just never know where
12:26PM 22 to -- where to turn to.

12:26PM 23 Q What were looking for from the FBI?

12:26PM 24 A I don't know. The initial call, I don't know what I was
12:26PM 25 looking for. You know, I went from -- I went from never ever

12:26PM 1 considering even for myself calling the cops or dialing 911 for
12:26PM 2 anything in my life. Never considered that. And in instant I
12:26PM 3 contacted the FBI. So I never know what was -- I never know
12:26PM 4 what was ahead. I never know what I was thinking at that time,
12:26PM 5 but that's what -- that's what I did.

12:26PM 6 Q Was there something that made you flip that -- flip over
12:26PM 7 that line?

12:26PM 8 A I mean, I know -- I don't when I seen 'em or how I seen
12:26PM 9 'em, but I remember I seen the Fraser -- the missing -- the
12:27PM 10 missing thing, you know. And I just remember sitting, like I
12:27PM 11 was -- I was out of it at that point in my life, you know, but
12:27PM 12 I remember seeing 'em somewhere, and I just --

12:27PM 13 Q What do you mean "the missing thing"?

12:27PM 14 A The Fraser, you know, the thing about Fraser, call this
12:27PM 15 number or whatever.

12:27PM 16 Q Oh, a missing poster, something like that?

12:27PM 17 A Yeah. Yeah, that was the --

12:27PM 18 Q Is that the number you called?

12:27PM 19 A Yeah. That's the number I called, and then that's how I
12:27PM 20 contact -- I got in touch with the FBI, that's how I contacted
12:27PM 21 them.

12:27PM 22 Q So what happened at your first meeting with the FBI?

12:27PM 23 A I never know what to expect. You know, we -- we sat down
12:27PM 24 they, told me some stuff, and I never -- and then we just
12:27PM 25 talked. We just -- we talked a lot, you know.

12:27PM 1 Q What kinds of things did you tell the FBI at that time?

12:27PM 2 A I was telling them about -- I was telling them about the

12:28PM 3 Fraser. I was telling them about things about Miske.

12:28PM 4 Q Did you have a number of requests that you made from the

12:28PM 5 FBI --

12:28PM 6 A Yes.

12:28PM 7 Q -- at that time as well?

12:28PM 8 A Yes.

12:28PM 9 Q What were asking --

12:28PM 10 A From law enforcement in general, any law enforcement, I

12:28PM 11 asked for money. I asked for -- I asked if they could help me

12:28PM 12 get off probation. But as far as them giving me any or

12:28PM 13 promising me any money, never happen.

12:28PM 14 Q How soon, if you recall, did you meet with the FBI again

12:28PM 15 after that very first meeting?

12:28PM 16 A I don't know how soon. I wasn't -- I wasn't keeping track

12:28PM 17 of anything in my life at that point.

12:28PM 18 Q Did you continue to meet with the FBI?

12:28PM 19 A Yes.

12:28PM 20 Q Have you continued to meet with the FBI agents till

12:28PM 21 this -- this point in time today?

12:28PM 22 A Yes.

12:29PM 23 Q Approximately how many times do you think you've been

12:29PM 24 interviewed or met with the FBI or agents of the government?

12:29PM 25 A Oh, a lot.

12:29PM 1 Q Prior to coming to court to testify in this matter, did
12:29PM 2 you have access to any of the FBI reports that were prepared
12:29PM 3 summarizing your interviews with them?

12:29PM 4 A Yes.

12:29PM 5 Q Have you had a chance to review those?

12:29PM 6 A I mean, I flipped through them, but...

12:29PM 7 Q Are those your statements?

12:29PM 8 A No.

12:29PM 9 Q Now, did you tell the FBI about your oxycodone --

12:29PM 10 A No.

12:29PM 11 Q -- addiction?

12:29PM 12 A No.

12:29PM 13 Q They were not aware?

12:29PM 14 A No.

12:29PM 15 Q Did you continue to use oxycodone?

12:29PM 16 A Yes.

12:29PM 17 Q As part of -- well, let me ask it this way: Did you agree
12:29PM 18 to begin cooperating and begin acting as an informant for the
12:29PM 19 FBI?

12:29PM 20 A Yes.

12:29PM 21 Q Did they explain to you that there were certain rules that
12:29PM 22 you had to follow as part of that?

12:29PM 23 A Yes.

12:30PM 24 Q Was one of those that you had to obey all laws?

12:30PM 25 A Yes.

12:30PM 1 Q You could not be committing any crimes?

12:30PM 2 A Yes.

12:30PM 3 Q Did you follow that?

12:30PM 4 A No.

12:30PM 5 Q What were you doing?

12:30PM 6 A I still continued to -- I still continued to live my life.

12:30PM 7 And I was -- I was -- yeah, I was -- I never stopped nothing

12:30PM 8 that I was doing just because I was -- I was working with the

12:30PM 9 FBI. I still continued to sell drugs. I still continued to

12:30PM 10 rip people. I still continued to -- yeah, nothing stopped. I

12:30PM 11 had -- I did that -- I was talking to the FBI, but like I still

12:30PM 12 had -- I still had pride, you know, because I was -- but I was

12:30PM 13 broken down at that point. Like I was like one prideful

12:30PM 14 person, but I was broken down, and, yeah, I was -- I was

12:30PM 15 looking for help, but I never know how to ask for it. I wanted

12:30PM 16 a way out, but I never know how to ask for it.

12:30PM 17 Q At some point did you begin using drugs to substitute for

12:31PM 18 the oxycodone?

12:31PM 19 A Yes.

12:31PM 20 Q Why?

12:31PM 21 A Sometimes you just cannot find 'em.

12:31PM 22 Q You can't find oxycodone?

12:31PM 23 A Yes.

12:31PM 24 Q What were use as a substitute?

12:31PM 25 A Like a few times I -- I used heroin.

12:31PM 1 Q That's also an opiate?

12:31PM 2 A Yes.

12:31PM 3 Q Were you continuing to speak with Mr. Miske during this
12:31PM 4 time?

12:31PM 5 A Yes.

12:31PM 6 Q How would you describe your relationship with him at this
12:31PM 7 point?

12:31PM 8 A Oh, it was -- it was bad. Bad, bad, bad.

12:31PM 9 Q Meaning by "bad," explain what you mean by "bad."

12:31PM 10 A Yeah, it was just bad. It was just -- I don't know. We
12:31PM 11 never had -- we never had the connection. We never had the --
12:31PM 12 we never had the friendship. Even when we talked to each
12:31PM 13 other, we know we just talking because we were there with each
12:31PM 14 other. You know.

12:31PM 15 Q Was there a lack of trust?

12:31PM 16 A Of course. Of course. And when I was -- when I was --
12:31PM 17 when I would talk to him at that time during those times, like
12:32PM 18 he would -- I don't know if he was joking or not, but like he
12:32PM 19 would touch me like that (indicating), and he would say, I
12:32PM 20 heard -- I heard somebody working with -- talking to the FBI.

12:32PM 21 And I would look at him. I was talking to the FBI at
12:32PM 22 that time. And then he would put his hand on my chest like
12:32PM 23 that and say, I heard it was you. And I mean, we both would
12:32PM 24 start looking at each other like -- you know, and then
12:32PM 25 laughing, and then that's all came about that. But that was

12:32PM 1 tripping in my head for -- for a little while after that.

12:32PM 2 Q That worried you?

12:32PM 3 A Huh?

12:32PM 4 Q That worried you?

12:32PM 5 A Yes.

12:32PM 6 Q Did you tell the FBI that he had said that?

12:32PM 7 A Yes. I said, Hey, this guy told me this. He never did --

12:32PM 8 he never told me something like that before. You know what I

12:32PM 9 mean, the one and only time that I -- that I do call law

12:33PM 10 enforcement, this guy tells me that -- like that. Like, yeah

12:33PM 11 I, heard somebody working for the FBI. Long stall. Then he

12:33PM 12 put his hand on me, I heard it was you. You know, that made me

12:33PM 13 trip out even more.

12:33PM 14 Q Okay. So let me take you to October of that year, 2017.

12:33PM 15 A Yeah.

12:33PM 16 Q Were you involved in the kidnapping of an accountant here

12:33PM 17 in Honolulu?

12:33PM 18 A Yes.

12:33PM 19 Q How did that come about?

12:33PM 20 A So 2017, me and Miske still talking, but we're not --

12:33PM 21 we're not the same. He call me down to the -- call me down to

12:33PM 22 the bay where we ride jet skis at. And I go down there and we

12:33PM 23 talking, he tell me, Hey, come jump in the water with me. So

12:33PM 24 we jump in the water. We put on the life vests, go out with

12:33PM 25 the jet ski, got one sandbar out there.

12:34PM 1 And -- and he told me, he say, Let me talk to you.

12:34PM 2 Just put the -- the life jackets on the jet ski and let the jet

12:34PM 3 skis float away a little bit. We could still swim to them, but

12:34PM 4 we're talking away from them. I was like, yeah, I don't

12:34PM 5 know -- I don't know if they putting devices on the jet skis or

12:34PM 6 not.

12:34PM 7 Q This is Miske saying this?

12:34PM 8 A This is Miske telling me this.

12:34PM 9 Q Okay.

12:34PM 10 A We let them float away. We at the sandbar talking, just

12:34PM 11 kicking back over there, and he told me, he said, Hey, I got

12:34PM 12 something for you to do. And I go, All right, what is it? And

12:34PM 13 he told me, he said, Hey, this one should be pretty easy

12:34PM 14 because -- because I get one name and a number, and they told

12:34PM 15 me that this guy ripped them. He's an accountant. And he said

12:34PM 16 whoever he was talking to ripped him off. Ms, you know, as in

12:34PM 17 millions.

12:34PM 18 So I was like, Okay. And he was like, Hey, just take

12:34PM 19 care of this. You know, they not going to -- they not going to

12:35PM 20 know like all the money that you get, but they said for sure he

12:35PM 21 get the money, for sure he get the cash. That's what he told

12:35PM 22 me.

12:35PM 23 Q Okay. So did you have further conversations there at that

12:35PM 24 meeting or did you talk more at a later time?

12:35PM 25 A Yeah, so from -- from that meeting -- I'm just breaking it

12:35PM 1 down. We went a little bit more in depth in that conversation,
12:35PM 2 but from that meeting right there, he told me when we go back,
12:35PM 3 I get -- I get the -- he gave me one paper. He said, I got one
12:35PM 4 paper with a name and a number on top of 'em. He said, This
12:35PM 5 guy -- this guy is easy, you know. Just -- just you know what
12:35PM 6 to do, just call 'em, tell 'em, Hey, you like set up one cash
12:35PM 7 business. Anything to do with cash this guy going jump on 'em.
12:35PM 8 You send 'em one cash business. You know what for do, when he
12:36PM 9 come up, grab this -- grab this fucker, like that. You know,
12:36PM 10 in those terms. Put 'em in the car, and he can give you
12:36PM 11 guys -- he can give you guys the money.

12:36PM 12 So -- oh, well, before this -- okay, before that
12:36PM 13 conversation, I tell him, I said, So -- so -- he tells me, Hey,
12:36PM 14 this guy's office is in the Crack Seed building, the Lin's
12:36PM 15 Crack Seed building on the top.

12:36PM 16 So I tell him, So what you like us do, just walk into
12:36PM 17 the building and -- and stick 'em right there? He said, No,
12:36PM 18 no, no, you gotta -- you gotta call 'em. This kind of guy, you
12:36PM 19 just gotta grab 'em. Grab 'em, put him in the car. He going
12:36PM 20 to give you the money. He going tell you where the money is
12:36PM 21 at.

12:36PM 22 So that's -- that's how the transition of the
12:36PM 23 conversation went.

12:36PM 24 Q Okay. So this Lin's snack or Crack Seed building, did you
12:36PM 25 know where that was?

12:36PM 1 A Mm-hmm. We used to always go over there, grab pickled
12:37PM 2 mangoes and gummy bears and stuff.

12:37PM 3 Q Was that close to the -- the shop?

12:37PM 4 A Right down the road, Queen Street. Got like one Thai food
12:37PM 5 restaurant and -- and across used to have Gold's Gym over here,
12:37PM 6 and the Crack Seed building right there.

12:37PM 7 Q So did you do any surveillance or following this person
12:37PM 8 around once you got that information from Mr. Miske?

12:37PM 9 A Yes.

12:37PM 10 Q What did you do exactly?

12:37PM 11 A So I started following him pretty soon -- pretty soon
12:37PM 12 after. So the Crack Seed building is right here, and then got
12:37PM 13 one building gym -- get one gym right next door, so get one
12:37PM 14 parking place in that gym. So if you go into that gym and
12:37PM 15 drive around in the parking place to the top, you can actually
12:37PM 16 see the guy's office and where his car is parked. You know.

12:37PM 17 So another guy I was with, he calls 'em and tell 'em
12:38PM 18 he like set something up, just like one -- like set one time.

12:38PM 19 And then we waited for him on the top so we could see how he
12:38PM 20 look. And at the time that he was set up for the guy, the guy
12:38PM 21 came walking out and went to the car. So -- so then we knew,
12:38PM 22 okay, this is how the guy look, and this is his car that he
12:38PM 23 drives.

12:38PM 24 Q Okay. So did Mr. Miske have any other instructions about
12:38PM 25 how you should grab him, as you said, what you should do?

12:38PM 1 A Oh, okay, so -- so when we was -- when we was going at
12:38PM 2 that time before, like he was showing me like this shop that
12:38PM 3 was next door down the road from his shop. So he was like,
12:38PM 4 Hey, you know what for do, just flash 'em, and you can take 'em
12:38PM 5 in the car right after that. It's over, he going give the
12:38PM 6 money. He not -- he's an accountant, but he just like one --
12:38PM 7 like one -- he not going fight back or anything like that.
12:38PM 8 Q "Flash 'em," what does that mean?
12:39PM 9 A Like flash 'em one badge, you know.
12:39PM 10 Q A police badge?
12:39PM 11 A Yeah.
12:39PM 12 Q So did you have a police badge?
12:39PM 13 A No, no. I went to the -- I went to the shop down the road
12:39PM 14 from his shop and --
12:39PM 15 Q On Queen Street?
12:39PM 16 A Yes. I got -- got the badges from there.
12:39PM 17 Q There is a shop that sold police badges?
12:39PM 18 A Yes.
12:39PM 19 Q How many badges did you buy?
12:39PM 20 A I bought -- I bought a couple of them. Yeah, had some
12:39PM 21 from there and had some at the -- like the swap meet and stuff
12:39PM 22 like that.
12:39PM 23 Q All right.
12:39PM 24 A But -- yeah.
12:39PM 25 Q Did you acquire anything else in preparation to -- to grab

12:39PM 1 the guy?

12:39PM 2 A Well, I already had -- I already had -- I don't think I
12:39PM 3 bought 'em at that time, but I already had like handcuffs. You
12:39PM 4 know.

12:39PM 5 Q So you mentioned another guy you had with me.

12:39PM 6 A Yes.

12:39PM 7 Q Who was that?

12:39PM 8 A Jonah.

12:39PM 9 Q What is Jonah's last name?

12:40PM 10 A Ortiz.

12:40PM 11 Q Who is Jonah Ortiz?

12:40PM 12 A A friend that -- a friend that I met from being in prison.

12:40PM 13 Q At that time in October of 2017, were you and Mr. Ortiz
12:40PM 14 living together?

12:40PM 15 A I don't -- I don't know yet. I don't think so. Might
12:40PM 16 have been, but I'm not too sure.

12:40PM 17 Q You lived with him at some point?

12:40PM 18 A Yeah. Was in Downtown, in tall building on Nimitz.

12:40PM 19 Q Okay. Why did you involved Mr. Ortiz?

12:40PM 20 A That's -- I mean, that's who I was with at the time. He
12:40PM 21 was -- he was -- he had an addict -- he had an opiate addiction
12:40PM 22 too, so he was taking pills and, you know, that's -- that's who
12:40PM 23 I was with at the time. It's not -- it's not even one friend.
12:40PM 24 You know, he was just...

12:40PM 25 Q Okay. So you placed this first call to have the victim

12:40PM 1 come out to his car so you could see him? Is that what the
12:41PM 2 purpose was?
12:41PM 3 A Yes, that was -- that was the first call when -- when
12:41PM 4 Jonah called 'em, that was the first time just to see him walk
12:41PM 5 to his car. So we could see him walk to his car, so see what
12:41PM 6 car he had and see what -- how he look like.
12:41PM 7 Q And how would you describe him?
12:41PM 8 A Smaller guy. Look like one Japanese guy, old guy.
12:41PM 9 Q All right. So after you knew what he looked like, now you
12:41PM 10 knew where he worked, right?
12:41PM 11 A Yeah.
12:41PM 12 Q You've got the badges?
12:41PM 13 A Yes.
12:41PM 14 Q What did you do then?
12:41PM 15 A So later on -- I mean, I don't know how much -- how much
12:41PM 16 later, but Jonah called him back again, so everything --
12:41PM 17 everything was going. Jonah called him back again and told
12:41PM 18 him, Hey, set up this meeting, we meet you at -- we had looked
12:41PM 19 at this place over there by Fisherman's Wharf. They park
12:41PM 20 buses, so we could like park between buses and stuff like that.
12:41PM 21 You couldn't really see.
12:42PM 22 But, yeah, Jonah had called him, tell 'em, Hey, meet
12:42PM 23 us -- meet us over here. So we was waiting already for him on
12:42PM 24 the -- on the top so we could see him walk out again. And so
12:42PM 25 as soon as he left, we drove down the -- the parking structure

12:42PM 1 and -- and headed to meet him at the -- at the Fisherman's
12:42PM 2 Wharf.

12:42PM 3 Q Did he come and meet you there?

12:42PM 4 A Huh?

12:42PM 5 Q Did he come and meet you?

12:42PM 6 A Yes.

12:42PM 7 Q What happened at Fisherman's Wharf?

12:42PM 8 A So fish -- Fisherman's Wharf, we pull up -- he's -- he's
12:42PM 9 over there already. We pull up a little later, we jump out the
12:42PM 10 car. Jonah is standing on the passenger side right here. I'm
12:42PM 11 coming up from the back of the car right here, and I flash 'em
12:42PM 12 the -- the badge. And he put his hands behind his back, and he
12:42PM 13 started struggling a little bit. Jonah tied him up and put him
12:42PM 14 in the back seat of -- of the car.

12:43PM 15 Q So you mentioned a couple of telephone calls that had been
12:43PM 16 made to set the meeting up.

12:43PM 17 A Yes.

12:43PM 18 Q Who made those telephone calls?

12:43PM 19 A Jonah.

12:43PM 20 Q Okay. Why?

12:43PM 21 A Oh, he no more -- he don't have one accent like mine. I
12:43PM 22 got one strong accent. So he could talk a little bit better.

12:43PM 23 Q Do you recall what the story was given as to why you
12:43PM 24 wanted to meet with him?

12:43PM 25 A So Miske had -- like I said, Miske had told me that this

12:43PM 1 guy was -- as long as you tell this guy that -- that you wanted
12:43PM 2 to start up one business doing something with cash, and you was
12:43PM 3 moving from the Big Island, something like that -- just tell
12:43PM 4 him something like that for meet up with him.

12:43PM 5 And sure enough, as soon as we told him, Hey -- Jonah
12:43PM 6 told him, Hey, we are moving from the Big Island. We're going
12:43PM 7 to open up one business. You know, we deal with a lot of cash.
12:43PM 8 I was told to contact you, to those terms. And he wanted to --
12:44PM 9 he wanted to come meet us quick. You know, like really,
12:44PM 10 really -- like exactly what he said, he came to meet us fast.

12:44PM 11 Q Okay. So he has now been -- you said tied up. Do you
12:44PM 12 mean handcuffs, zip ties, rope? How was he -- how --

12:44PM 13 A I don't know if it is handcuffs or it was ties. It was
12:44PM 14 either one of those. I don't remember because -- because I
12:44PM 15 think it was Jonah was the one that was actually putting them
12:44PM 16 on. So...

12:44PM 17 Q Where was the victim put in the car?

12:44PM 18 A I was the driver. He was in the back seat. I was the
12:44PM 19 driver.

12:44PM 20 Q Was Mr. Ortiz in the back seat with him?

12:44PM 21 A Yes.

12:44PM 22 Q Was there anything else done to the victim other than just
12:44PM 23 handcuffing him?

12:44PM 24 A Oh, okay, so we started -- we drove away from that place,
12:44PM 25 we drove away and we parked somewhere. I can't -- I don't

12:44PM 1 remember where we wen' park, but it was like in a secluded
12:44PM 2 area, maybe a little bit coverage.

12:44PM 3 And then we started pressing him for the -- for the
12:44PM 4 money. And he was like he was swearing up and down. He said,
12:45PM 5 I telling you guys I don't got no money. He knew the deal that
12:45PM 6 we was talking about. You know, I never remember the details
12:45PM 7 of the deal, but the deal that I was telling him, he knew about
12:45PM 8 it. And he said, I'm telling you with those guys we never --
12:45PM 9 he swore up and down, It was -- it was a business deal that
12:45PM 10 went bad. I don't got the money. Yeah, and -- and me, I
12:45PM 11 assaulted him during those times, and he still -- he still
12:45PM 12 swear that he never had 'em, you know.

12:45PM 13 Q Was there anything over the victim's -- that was placed
12:45PM 14 over the victim's head?

12:45PM 15 A Yeah, he had one -- he had one bag over his head. He had
12:45PM 16 like a black drawstring bag over his head.

12:45PM 17 Q Whose idea was that?

12:45PM 18 A I was the driver. So I could have told Jonah -- you know,
12:45PM 19 I think I told Jonah, Hey, just put something over his head.
12:45PM 20 You know, because -- yeah, after we was talking to him, I could
12:46PM 21 have told Jonah -- I think I did tell Jonah, Put the bag over
12:46PM 22 his head because he wasn't giving up nothing. He was swearing
12:46PM 23 up and down never had nothing. And it was a straight business
12:46PM 24 deal. So I told Jonah, I going see this -- I going to see this
12:46PM 25 guy right now. You know, the guy I was referring to was Miske.

12:46PM 1 Q So before we get to that, so you said you assaulted him.

12:46PM 2 A Yes.

12:46PM 3 Q Tell us what that means. What did you do?

12:46PM 4 A I -- I -- he had something over his head already, and I

12:46PM 5 was -- he had his head down and I was punching him and -- yeah.

12:46PM 6 Q Why?

12:46PM 7 A I was pressing him if he had -- if he had the money, and

12:46PM 8 he was saying he wasn't. He said he never -- he said -- he was

12:46PM 9 swearing, Yeah, I don't got it. It was a -- it was a straight

12:46PM 10 business deal that went wrong. I know what you guys talking

12:46PM 11 about. That guy knows what happened.

12:47PM 12 Yeah, we never know the guy. I never know the guy

12:47PM 13 because he never told me who the guy was or who his source was

12:47PM 14 that was telling him about this. But he was swearing up and

12:47PM 15 down like --

12:47PM 16 Q So how long -- how long were you holding the victim until

12:47PM 17 you went to talk to Mr. Miske?

12:47PM 18 A For a while.

12:47PM 19 Q How long is a while?

12:47PM 20 A Like maybe it was getting close to dark, and then it was

12:47PM 21 dark already by the time we -- we was done with him.

12:47PM 22 Q Were you just -- were you stopped in one place or were you

12:47PM 23 driving around? What was going on at that time?

12:47PM 24 A Okay, so -- so first we stopped, we did all of that, and

12:47PM 25 he told us he don't got the money. Bag over his head, he still

12:47PM 1 don't got the money.

12:47PM 2 I said, Hey, I going to see this guy right now.

12:47PM 3 And -- and I went down there to Queen Street, I parked in -- I

12:47PM 4 parked across the street from the shop, from Miske's shop. And

12:48PM 5 I walked inside, and I told Miske, I said, Hey, I got the -- I

12:48PM 6 got the guy, the accountant. I got him outside. I had him for

12:48PM 7 a while, and we was beating him up and everything, and he still

12:48PM 8 said he don't got -- he said it was a straight business deal.

12:48PM 9 I said, So what's up?

12:48PM 10 And -- and at that point he's telling me, like he's --

12:48PM 11 we're going back and forth. You know, he's got it, I'm telling

12:48PM 12 you he's got the -- he got the money. They said he got the

12:48PM 13 money. And then -- and then that's when he tells me, he said,

12:48PM 14 Hey, let me -- I going to call Preston. You know, let me call

12:48PM 15 Preston. That's the first time I heard Preston's name right

12:48PM 16 there. He said, Let me call Preston.

12:48PM 17 And he calls Preston. Preston -- Preston comes out.

12:48PM 18 I'm still there, he's still there. He calls Preston, Preston

12:48PM 19 comes. Now they're talking. And I guess Preston went to go

12:49PM 20 call his guy. I never know it was this deep at this point.

12:49PM 21 This is the first time I hearing about all of this.

12:49PM 22 And at that point Miske, he left at that point. I'm

12:49PM 23 talking to Preston, you know. Preston is talking to Miske,

12:49PM 24 though, you know what I mean.

12:49PM 25 Q So let me make sure we're clear. So where -- this is

12:49PM 1 still at the shop you're talking about or this is later?

12:49PM 2 A Yes, I'm still at the shop. Like he -- he's parked at the
12:49PM 3 shop. I go inside there, talk to Miske. Miske calls Preston,
12:49PM 4 Preston comes immediately, wherever he was drop 'em, he comes
12:49PM 5 back and sees -- and sees Miske at this point.

12:49PM 6 Q So I'm talking when you said "he left," who is "he"?

12:49PM 7 A Miske.

12:49PM 8 Q Okay.

12:49PM 9 A Yeah, he went somewhere.

12:49PM 10 Q All right. So --

12:49PM 11 A I left, Miske left, and then Preston -- I was in touch
12:49PM 12 with Preston after that. And Preston said, Hey, hold on.

12:49PM 13 Q Hold on one second. Hold on one second.

12:49PM 14 My question is were you communicating in person, via
12:50PM 15 phone? How were you talking to Preston now at this point?

12:50PM 16 A Phone. I'm talking to -- I'm talking to Preston on the
12:50PM 17 phone.

12:50PM 18 Q Why are you talking to Preston?

12:50PM 19 A Huh?

12:50PM 20 Q Why?

12:50PM 21 A Because Preston was the -- was the person that told Mikey
12:50PM 22 to -- to get this done, I guess. I never know about Preston
12:50PM 23 until that wen' happen.

12:50PM 24 Q Okay.

12:50PM 25 A My interactions with Preston never start until after that

12:50PM 1 conversation with Miske.

12:50PM 2 Q Okay. So what are you and Preston discussing?

12:50PM 3 A So after that Preston comes back, and he's telling me
12:50PM 4 like, Hey -- he's also telling me -- Preston is telling me
12:50PM 5 like, Hey, they saying he got it. You know, he gotta have it.

12:50PM 6 I said, Preston, listen, by this time we had this guy
12:50PM 7 for some hours already, and he's swearing -- you know what I
12:50PM 8 mean, like he don't got nothing. He don't got nothing.

12:50PM 9 And then I'm constantly meeting with Preston that
12:50PM 10 night. We're at night already. Preston meets me over here,
12:50PM 11 we're talking in person -- in person. And then he goes back
12:51PM 12 and talk to whoever he talks to, and then he comes back and
12:51PM 13 then he tells me that, Hey, I'm talking to the girl. They said
12:51PM 14 they never know it was going to go this far.

12:51PM 15 And I was like, Who is this -- who is this girl? He's
12:51PM 16 talking about the girl and her father. That's the first time I
12:51PM 17 heard about them. I mean, and I'm like, Fuck, man, what the --
12:51PM 18 what are you -- earlier you're saying that he got it for sure,
12:51PM 19 and then now you're saying that they said -- they said, Hey,
12:51PM 20 just let him go. You know what I mean. The dad said tomorrow
12:51PM 21 they going give you guys like 20 grand already for the -- for
12:51PM 22 the troubles.

12:51PM 23 Q Okay. So during the time, this hours as you described it,
12:51PM 24 was the victim in the car the whole time?

12:51PM 25 A Yes.

12:51PM 1 Q So was this another instance where you were using a burner
12:51PM 2 car to commit this crime?
12:51PM 3 A No.
12:51PM 4 Q What car were you using?
12:51PM 5 A I forget, because -- because I know my car was in Clark
12:52PM 6 shop getting painted at that time, so I know it wasn't in my
12:52PM 7 car. That's all.
12:52PM 8 Q Do you remember -- you don't remember where you got the
12:52PM 9 car --
12:52PM 10 A I no remember --
12:52PM 11 Q -- or whose car it was?
12:52PM 12 A I no remember, but I know it wasn't my car. And I no
12:52PM 13 remember where I got the car.
12:52PM 14 Q All right. You said you assaulted the victim?
12:52PM 15 A Yes.
12:52PM 16 Q Just the one time or multiple times?
12:52PM 17 A Multiple times.
12:52PM 18 Q Throughout the time period --
12:52PM 19 A No, not throughout the whole time period, just that time
12:52PM 20 -- just that -- just during that time. During that time frame,
12:52PM 21 like it wasn't just one -- wasn't just one punch. It was more
12:52PM 22 than that.
12:52PM 23 Q Was Mr. Ortiz assaulting him as well?
12:52PM 24 A Yes.
12:52PM 25 Q So when you finally got word to let him go, did you?

12:52PM 1 A Yes.

12:52PM 2 Q Where did you let the victim go?

12:52PM 3 A Back at the Fisherman's Wharf. Yeah, Preston is

12:52PM 4 already -- we are meeting with Preston multiple times. Last

12:52PM 5 time we meet him at this park. You know, he's at the -- he's

12:52PM 6 at the park. I walk into the park, he's parked over there, and

12:53PM 7 that's when he tells me, Hey, just -- just let him go already.

12:53PM 8 They never know it was going go this far. Yeah.

12:53PM 9 Q You let him go?

12:53PM 10 A Yeah.

12:53PM 11 Q How did -- how did you release him?

12:53PM 12 A Huh?

12:53PM 13 Q How did you release him, you and Mr. Ortiz?

12:53PM 14 A We just let him go. Took him back to his -- I drove back

12:53PM 15 over there and took him back to where he was parked at, and

12:53PM 16 then -- and then Jonah let him -- he was in the back seat with

12:53PM 17 him, he let him go.

12:53PM 18 Q Did someone blindfold him or tape his eyes before you let
12:53PM 19 him go?

12:53PM 20 A I cannot remember that. Yeah. He could have been --

12:53PM 21 could have been with the bag, but I'm not -- I'm not -- I

12:53PM 22 cannot remember that at that time. I know we pulled up and let

12:53PM 23 him go at his car for sure.

12:53PM 24 Q So after you let him go, what did you do then?

12:53PM 25 A I started talking with Preston. You know, I started going

12:53PM 1 back and forth with Preston.

12:53PM 2 Q Why were you talking to Preston?

12:53PM 3 A Because he said that -- that he just going get some money

12:54PM 4 from the -- whoever he was talking to. "The girl's dad,"

12:54PM 5 that's the term he was using.

12:54PM 6 Q Okay. And did --

12:54PM 7 A And I was telling -- I was telling Preston about that, I

12:54PM 8 said, Hey, this guy told me that this guy had -- you know, this

12:54PM 9 guy rip off your -- whoever it was, millions of dollars, and

12:54PM 10 this happened, and you only come out of this with fucking 20

12:54PM 11 grand. You know what I mean, like I was telling him like that.

12:54PM 12 Q So you wanted to get money from Preston?

12:54PM 13 A Yeah.

12:54PM 14 Q Did Preston ever say he was going to give you money?

12:54PM 15 A Yeah, he said he was, but he never end up -- he never end

12:54PM 16 up doing 'em.

12:54PM 17 Q Did you continue discussing that with him the following

12:54PM 18 day?

12:54PM 19 A I think yeah. Yeah.

12:54PM 20 Q Did you ever get Mr. Miske back involved in these

12:54PM 21 conversations?

12:54PM 22 A I talked to Miske -- I talked to Miske about 'em. Like I

12:54PM 23 talk to Miske about 'em after the -- after the fact that the

12:54PM 24 thing wen' happen. We was talking about 'em.

12:55PM 25 Q What were you talking about?

12:55PM 1 A About -- about the -- it was mostly about how he never had
12:55PM 2 what he said he was -- you know, and that's when he kept
12:55PM 3 pushing 'em to -- to Preston. You know, it was --
12:55PM 4 Q Did you ever have a meeting with all three of you, you,
12:55PM 5 Mr. Miske and Preston?
12:55PM 6 A That day that we -- that day that we --
12:55PM 7 Q After the day of the kidnapping.
12:55PM 8 A No, I cannot remember that, if we did have a meeting. We
12:55PM 9 might have. I don't know. I just don't remember one.
12:55PM 10 Q Did you ever get paid anything from -- from that?
12:55PM 11 A No.
12:55PM 12 Q Now, so this is during the period you're -- you're
12:55PM 13 cooperating with the FBI, right?
12:55PM 14 A Yeah, cooperating with the FBI.
12:55PM 15 Q Did you tell them that -- that you did this?
12:55PM 16 A No.
12:55PM 17 Q Did you tell them that Mr. Miske had given you this
12:55PM 18 information to set this up?
12:55PM 19 A No.
12:55PM 20 Q You were cooperating, right?
12:55PM 21 A Yes.
12:55PM 22 Q So couldn't you have offered that to the FBI as part of
12:55PM 23 your cooperation?
12:55PM 24 A Yeah, I could -- I could have did that.
12:55PM 25 Q Why didn't you?

12:56PM 1 A I mean, my life seems to be full of things that I could
12:56PM 2 have done and I never did. And that's -- that's one of them.
12:56PM 3 You know, like I said, I was living in two separate worlds. I
12:56PM 4 was living in -- I was living in the world that I knew since I
12:56PM 5 was ten years old. The only world that I knew since I was ten
12:56PM 6 years old. And this -- and now for the first time I ever
12:56PM 7 contacted the law was the FBI.

12:56PM 8 So, yeah, I was still -- I was still living -- I was
12:56PM 9 still living my life, but I was also -- I was also looking for
12:56PM 10 a way out, you know.

12:56PM 11 Q Okay.

12:56PM 12 A But I couldn't stop on my own. I know I wouldn't stop on
12:56PM 13 my own.

12:56PM 14 Q Mr. Miller, let me show you a series of photographs that
12:56PM 15 have already been admitted into evidence.

12:56PM 16 MR. INCIONG: Beginning with Exhibit 5-1, please.

12:56PM 17 If we could publish that, Your Honor?

12:57PM 18 THE COURT: Go ahead.

12:57PM 19 BY MR. INCIONG:

12:57PM 20 Q Do you recognize what's shown in that map or diagram, sir?

12:57PM 21 A Yes.

12:57PM 22 Q Does this show the area of where you lured the -- the
12:57PM 23 accountant to kidnap him on -- in October of 2017?

12:57PM 24 A Yes.

12:57PM 25 MR. INCIONG: Could we show Mr. Miller 5-2, please?

12:57PM 1 THE COURT: Yes.

12:57PM 2 BY MR. INCIONG:

12:57PM 3 Q Do you recognize what's shown there? You've seen --

12:57PM 4 A Yes.

12:57PM 5 Q -- this before, I believe, correct?

12:57PM 6 A Yes.

12:57PM 7 Q This shows what?

12:57PM 8 A That's -- that's Queen Street right there, that's the

12:57PM 9 shop.

12:57PM 10 Q Okay. Is that close by to Fisherman's Wharf?

12:57PM 11 A Yeah, Fisherman's Wharf down there.

12:57PM 12 MR. INCIONG: All right. Could we show Mr. Miller

12:57PM 13 5-3, and the jury as well.

12:57PM 14 BY MR. INCIONG:

12:58PM 15 Q Does this view allow you to see both the shop and the

12:58PM 16 Fisherman's Wharf area in the same -- in the same set?

12:58PM 17 A Yes.

12:58PM 18 Q So it's a few blocks away, would you say?

12:58PM 19 A Yes.

12:58PM 20 MR. INCIONG: Could we publish 5-4 next, please?

12:58PM 21 BY MR. INCIONG:

12:58PM 22 Q Do you recognize that person?

12:58PM 23 A Yes.

12:58PM 24 Q Who is that?

12:58PM 25 A Oh, that's the accountant.

12:58PM 1 Q That's the person that you assaulted and kidnapped?

12:58PM 2 A Yes.

12:58PM 3 MR. INCIONG: Could we show Mr. Miller 5-5?

12:58PM 4 BY MR. INCIONG:

12:58PM 5 Q Do you see those red marks and area on his arm?

12:58PM 6 A Yes.

12:58PM 7 Q Could that have been caused by when you and Mr. Ortiz were
12:58PM 8 assaulting him?

12:58PM 9 A Yes.

12:58PM 10 MR. INCIONG: Could we publish 5-6 next?

12:58PM 11 BY MR. INCIONG:

12:58PM 12 Q You said that Mr. -- or the victim was -- was tied or zip
12:58PM 13 tied.

12:58PM 14 A Yes.

12:59PM 15 Q And you meant his hands, correct?

12:59PM 16 A Yes.

12:59PM 17 Q Do you recall having difficulty cutting off the zip ties
12:59PM 18 or the bounds that were tying his hands when you released him?

12:59PM 19 A I -- I don't recall. That was --

12:59PM 20 MR. INCIONG: Could we go to 5-7 next, please?

12:59PM 21 If we could zoom in, please, on the wrist area.

12:59PM 22 BY MR. INCIONG:

12:59PM 23 Q Do you see those two indentations, Mr. Miller?

12:59PM 24 A Yes.

12:59PM 25 Q Could that have been caused by the -- the zip ties or

12:59PM 1 whatever you guys used to tie his hands?

12:59PM 2 A Yes.

12:59PM 3 MR. INCIONG: Could we go to 5-10, please?

12:59PM 4 BY MR. INCIONG:

12:59PM 5 Q Do you see the area of the victim's shoulders and back?

01:00PM 6 A Yes.

01:00PM 7 Q Could that have been caused by the -- your treatment and
01:00PM 8 assaults of him on that day?

01:00PM 9 A Yes.

01:00PM 10 MR. INCIONG: Could we go to 5-11?

01:00PM 11 BY MR. INCIONG:

01:00PM 12 Q Do you see those injuries to the victim's face?

01:00PM 13 A Yes.

01:00PM 14 Q Is that consistent with the -- the punches that you
01:00PM 15 described that you inflicted on him?

01:00PM 16 A Yes.

01:00PM 17 MR. INCIONG: Could we show 5-12 next.

01:00PM 18 BY MR. INCIONG:

01:00PM 19 Q Same question, are those injuries consistent with your
01:00PM 20 punching him?

01:00PM 21 A Yes.

01:00PM 22 MR. INCIONG: Could we go to 5-13?

01:00PM 23 BY MR. INCIONG:

01:00PM 24 Q Do you recognize that?

01:00PM 25 A Yes.

01:00PM 1 Q What is that?

01:00PM 2 A That's the Fisherman's Wharf where we met him right there.

01:00PM 3 Q Okay. That's the area where you -- you lured him to to

01:01PM 4 kidnap him?

01:01PM 5 A Yes.

01:01PM 6 MR. INCIONG: Could we show Mr. Miller and the jury

01:01PM 7 5-14?

01:01PM 8 BY MR. INCIONG:

01:01PM 9 Q Do you recognize that intersection?

01:01PM 10 A Yes.

01:01PM 11 Q That's right there adjacent to Fisherman's Wharf.

01:01PM 12 A Yes.

01:01PM 13 Q Is that true?

01:01PM 14 A Yes.

01:01PM 15 MR. INCIONG: Okay. 5-15, please.

01:01PM 16 BY MR. INCIONG:

01:01PM 17 Q Do you see those buses parked there, Mr. Miller?

01:01PM 18 A Yes.

01:01PM 19 Q Are those similar to the buses you described that were

01:01PM 20 parked nearby by the victim's car when you met him?

01:01PM 21 A Yes.

01:01PM 22 MR. INCIONG: Could we show 5-16.

01:01PM 23 BY MR. INCIONG:

01:01PM 24 Q Same -- same area, correct?

01:01PM 25 A Yes.

01:01PM 1 Q Is this where you met the victim and released him later

01:01PM 2 that day?

01:01PM 3 A Yes.

01:01PM 4 MR. INCIONG: Could we go to 5-17?

01:01PM 5 BY MR. INCIONG:

01:01PM 6 Q Is that the same general area that you were referring to?

01:02PM 7 A Yes.

01:02PM 8 MR. INCIONG: Could we go to 5-18?

01:02PM 9 BY MR. INCIONG:

01:02PM 10 Q Do you recall this vehicle?

01:02PM 11 A Yes.

01:02PM 12 Q Whose vehicle was that?

01:02PM 13 A That's the accountant's.

01:02PM 14 MR. INCIONG: Could we go to 5-19?

01:02PM 15 BY MR. INCIONG:

01:02PM 16 Q Is that just a different view of the same vehicle?

01:02PM 17 A Yes.

01:02PM 18 MR. INCIONG: Okay. Let me go now to Exhibit 5-58,

01:02PM 19 please.

01:02PM 20 BY MR. INCIONG:

01:02PM 21 Q Do you recognize that, Mr. Miller? How do you recognize

01:02PM 22 that?

01:02PM 23 A It's one of the badges that -- that was used.

01:02PM 24 Q And you bought that badge for that purpose?

01:02PM 25 A Yes.

01:02PM 1 Q Who indicated to you that that would be the way to do this
01:02PM 2 particular kidnapping?
01:02PM 3 A Just he suggested 'em to me, Miske.
01:03PM 4 MR. INCIONG: Could we show Mr. Miller, 5-59?
01:03PM 5 BY MR. INCIONG:
01:03PM 6 Q Do you recognize that?
01:03PM 7 A Yes.
01:03PM 8 Q Is that another one of the badges that you obtained to use
01:03PM 9 in the kidnapping?
01:03PM 10 A Yes.
01:03PM 11 MR. INCIONG: Could we go to 5-60 next, please?
01:03PM 12 BY MR. INCIONG:
01:03PM 13 Q Is that a third badge that you acquired?
01:03PM 14 A Yes.
01:03PM 15 MR. INCIONG: Finally, 5-61.
01:03PM 16 BY MR. INCIONG:
01:03PM 17 Q Do you recognize those handcuffs?
01:03PM 18 A Yes.
01:03PM 19 Q Did you have handcuffs with you during the time you were
01:03PM 20 kidnapping the accountant?
01:03PM 21 A Yes.
01:03PM 22 MR. INCIONG: All right. Thank you. You can take
01:03PM 23 that down for the moment.
01:03PM 24 Your Honor, may I approach Mr. Miller with -- this is
01:03PM 25 Exhibits 5-23 to 5-28, which are a series of video clips?

01:03PM 1 They're in evidence already. I just want to ascertain whether
01:04PM 2 Mr. Miller had viewed these prior to coming to court today.
01:04PM 3 THE COURT: They're in evidence?
01:04PM 4 MR. INCIONG: Your Honor, you're right, I think some
01:04PM 5 of them are -- some of them are not. The first two are not,
01:04PM 6 the rest are.
01:04PM 7 THE COURT: You want to show them to Mr. Kennedy
01:04PM 8 first?
01:04PM 9 BY MR. INCIONG:
01:04PM 10 Q Mr. Miller, I just placed before you a CD that's marked
01:04PM 11 with Exhibits 5-23 through 5-28-A. Have you seen that disc
01:05PM 12 before?
01:05PM 13 A Yes.
01:05PM 14 Q Are there markings or handwriting that you recognize on
01:05PM 15 that disc?
01:05PM 16 A Yes, my signature and -- and the date.
01:05PM 17 Q What is the date?
01:05PM 18 A 1/15/24.
01:05PM 19 Q So did you view the videotape clips that were on that
01:05PM 20 compact disc on that day?
01:05PM 21 A Yes.
01:05PM 22 Q Did you compare those clips to the clips that are in the
01:05PM 23 court's digital file?
01:05PM 24 A Yes.
01:05PM 25 Q Did you recognize anybody in the clips that you saw?

01:05PM 1 A Yes.

01:05PM 2 Q Who did you recognize?

01:05PM 3 A Myself, Preston, Miske.

01:05PM 4 Q Did you recognize those clips as being video footage of
01:05PM 5 the day of the kidnapping, October 17, 2017?

01:05PM 6 A Yes.

01:05PM 7 MR. INCIONG: Your Honor, I would move to admit -- I
01:05PM 8 guess some of them are admitted. So the remaining two, which I
01:05PM 9 believe are the first two series, 5-23 and 5-24.

01:06PM 10 THE COURT: The ones I do not have as having already
01:06PM 11 been admitted are 5-23 and 5-23-Alpha.

01:06PM 12 MR. INCIONG: Okay. My mistake then.

01:06PM 13 THE COURT: Anything else in that series has been
01:06PM 14 admitted.

01:06PM 15 MR. INCIONG: Okay. That's my mistake. 5-23 and
01:06PM 16 5-23-A, yes.

01:06PM 17 THE COURT: Any objection?

01:06PM 18 MR. KENNEDY: No objection.

01:06PM 19 THE COURT: Without objection, 5-23 and 5-23-A are each
01:06PM 20 admitted. You may display those two and the other exhibits in
01:06PM 21 that series up to 5-28-A, if you wish.

01:06PM 22 (Exhibit 5-23 and 5-23-A were received in evidence.)

01:06PM 23 MR. INCIONG: Thank you, Your Honor.

01:06PM 24 If we could begin with 5-23.

01:06PM 25 (Video was played.)

01:06PM 1 BY MR. INCIONG:

01:08PM 2 Q Mr. Miller, there's a person that's just entering the

01:08PM 3 building there. Do you know who that is?

01:08PM 4 A Yes.

01:08PM 5 Q Who is that?

01:08PM 6 A That's me.

01:08PM 7 Q And the door you just went into enters into what business?

01:08PM 8 A That's Miske's shop.

01:08PM 9 Q Kama'aina Termite and Pest Control?

01:08PM 10 A Yes.

01:08PM 11 Q Okay.

01:09PM 12 MR. INCIONG: You can stop that at this time.

01:09PM 13 May we show Exhibit 5-23-A at this time?

01:09PM 14 THE COURT: Yes.

01:09PM 15 MR. INCIONG: Thank you.

01:09PM 16 BY MR. INCIONG:

01:09PM 17 Q Do you see that, Mr. Miller?

01:09PM 18 A Yes.

01:09PM 19 Q Is that just a still shop grab of the video of you

01:09PM 20 entering Kama'aina Termite and Pest Control?

01:09PM 21 A Yes.

01:09PM 22 MR. INCIONG: All right. Could we go to 5-24 next.

01:09PM 23 (Video was played.)

01:09PM 24 BY MR. INCIONG:

01:10PM 25 Q Mr. Miller, do you recognize the person getting out of the

01:10PM 1 white truck parked in front of Kama'aina Termite and Pest
01:10PM 2 Control?
01:10PM 3 A Yes.
01:10PM 4 Q Who do you recognize that as?
01:10PM 5 A Preston.
01:10PM 6 Q Preston Kimoto?
01:10PM 7 A Yes.
01:10PM 8 Q Has he just entered that -- the same door that you had
01:10PM 9 gone into?
01:10PM 10 A Yes.
01:10PM 11 Q That was after you had arrived at Kama'aina?
01:10PM 12 A Yes, after I arrived.
01:10PM 13 MR. INCIONG: Could we show 5-24-A next, please?
01:10PM 14 THE COURT: You may.
01:10PM 15 MR. INCIONG: Thank you, Your Honor.
01:10PM 16 (Video was played.)
01:10PM 17 BY MR. INCIONG:
01:10PM 18 Q Is that the -- is that Mr. Kimoto getting out of his --
01:10PM 19 his white truck?
01:10PM 20 A Yes.
01:10PM 21 Q And do you see the time in the upper left-hand corner
01:10PM 22 there?
01:10PM 23 A Yes.
01:10PM 24 Q What does the time say?
01:10PM 25 A 4:35.

01:10PM 1 Q Let me blow that out so you can see a little bit closer.

01:11PM 2 A Oh, 4:03:35.

01:11PM 3 Q So 4:03 and 35 seconds --

01:11PM 4 A Yes.

01:11PM 5 Q -- on October 17th? Okay.

01:11PM 6 MR. INCIONG: Could we show video clip number 3, which

01:11PM 7 is Exhibit 5-25, please?

01:11PM 8 THE COURT: Yes.

01:11PM 9 (Video was played.)

01:11PM 10 BY MR. INCIONG:

01:11PM 11 Q Who is that that just came out of the Kama'aina Termite

01:11PM 12 and Pest Control and went back out into the truck?

01:11PM 13 A Preston.

01:11PM 14 Q Preston Kimoto?

01:11PM 15 A Yes.

01:11PM 16 MR. INCIONG: If we can stop that then, and show,

01:11PM 17 please, if we could, Exhibit 5-25-A.

01:11PM 18 (Video was played.)

01:11PM 19 BY MR. INCIONG:

01:11PM 20 Q Is that a screenshot of the video clip you just saw,

01:11PM 21 Mr. Miller?

01:11PM 22 A Yes.

01:11PM 23 MR. INCIONG: If we could again blow up the time in

01:12PM 24 the upper right-hand corner.

01:12PM 25 BY MR. INCIONG:

01:12PM 1 Q Do you see what time that is?

01:12PM 2 A Yes.

01:12PM 3 Q What time does that say?

01:12PM 4 A 4:13.

01:12PM 5 Q So Mr. Kimoto was there about ten minutes?

01:12PM 6 A Yes.

01:12PM 7 Q Is that -- is that consistent with your recollection?

01:12PM 8 A Yes.

01:12PM 9 MR. INCIONG: Could we go to next, please, to

01:12PM 10 Exhibit 5-26?

01:12PM 11 MR. KENNEDY: Your Honor?

01:12PM 12 THE COURT: Yes.

01:12PM 13 MR. KENNEDY: I don't believe the government has moved

01:12PM 14 5-26.

01:12PM 15 THE COURT: I have it recorded as having been

01:12PM 16 admitted.

01:12PM 17 MR. KENNEDY: You do?

01:12PM 18 THE COURT: On January 29th.

01:12PM 19 No? You don't have it?

01:12PM 20 MR. INCIONG: I think it was part of the stipulation,

01:12PM 21 Judge, I believe.

01:12PM 22 THE COURT: I have all of them admitted through

01:12PM 23 5-28-A.

01:12PM 24 MR. INCIONG: It's just to be sure, I will admit --

01:12PM 25 THE COURT: (Inaudible.)

01:12PM 1 MR. KENNEDY: No objection. I just did not have it in
01:12PM 2 the evidence.
01:12PM 3 THE COURT: Well, if -- if I'm wrong then, then the
01:13PM 4 record will correct me if I am. The stipulation just now
01:13PM 5 without objections covers us. 5-26 is admitted.
01:13PM 6 (Exhibit 5-26 was received in evidence.)
01:13PM 7 MR. INCIONG: Thank you, Your Honor.
01:13PM 8 THE COURT: Thank you, Mr. Kennedy.
01:13PM 9 MR. KENNEDY: You're welcome, sir.
01:13PM 10 MR. INCIONG: May we play that, Your Honor?
01:13PM 11 THE COURT: Yes, go ahead.
01:13PM 12 (Video was played.)
01:13PM 13 BY MR. INCIONG:
01:13PM 14 Q Mr. Miller, did you see the person that just exited in
01:13PM 15 front of the black truck?
01:13PM 16 A Yes.
01:13PM 17 Q Who is that?
01:13PM 18 A That was me.
01:13PM 19 MR. INCIONG: Could we go to 5-26-A next, please?
01:13PM 20 BY MR. INCIONG:
01:13PM 21 Q Is that you shown in that photo?
01:13PM 22 A Yes.
01:13PM 23 Q Is that a still shot of the -- the short clip you just
01:13PM 24 watched?
01:13PM 25 A Yes.

01:13PM 1 MR. INCIONG: If we could enlarge the time stamp in
01:13PM 2 the upper left-hand corner.
01:13PM 3 BY MR. INCIONG:
01:13PM 4 Q Do you see what time that is?
01:13PM 5 A 4 -- is that 13 or 18?
01:14PM 6 Q Hard to see, but I think if you look again it's -- can you
01:14PM 7 tell now?
01:14PM 8 A 4-something. I don't know what that number is.
01:14PM 9 Q Okay. How long approximately were you in the shop at that
01:14PM 10 time from what you recall?
01:14PM 11 A I don't know. I wasn't counting.
01:14PM 12 Q All right. Let me have you look at a couple more clips
01:14PM 13 next, please. 5-27.
01:14PM 14 (Video was played.)
01:14PM 15 BY MR. INCIONG:
01:15PM 16 Q Do you recognize the person that just walked out of the
01:15PM 17 shop in front of that black truck?
01:15PM 18 A Yes.
01:15PM 19 Q Who was that?
01:15PM 20 A Miske.
01:15PM 21 MR. INCIONG: We can stop that then. And if we could
01:15PM 22 show Exhibit 5-27-A.
01:15PM 23 BY MR. INCIONG:
01:15PM 24 Q Is that a still shot taken from that slip we just watched?
01:15PM 25 A Yes.

01:15PM 1 Q Do you see Mr. Miske in that clip?

01:15PM 2 A Yes.

01:15PM 3 Q What is he wearing?

01:15PM 4 A White shirt, black shorts.

01:15PM 5 Q Can you read the time stamp in the upper left-hand corner?

01:15PM 6 A 4:30.

01:15PM 7 Q And it's on October 17th --

01:15PM 8 A Yeah.

01:15PM 9 Q -- still? Okay.

01:15PM 10 MR. INCIONG: And finally, if we could show a video

01:15PM 11 clip that's in Exhibit 5-28.

01:15PM 12 (Video was played.)

01:15PM 13 BY MR. INCIONG:

01:15PM 14 Q Do you recognize the person that just crossed the street

01:15PM 15 and is going into the shop?

01:15PM 16 A Yes.

01:15PM 17 Q Who is that?

01:15PM 18 A Miske.

01:15PM 19 MR. INCIONG: Could we display 5-28-A?

01:15PM 20 BY MR. INCIONG:

01:16PM 21 Q Is that a screenshot of that video you just saw?

01:16PM 22 A Yes.

01:16PM 23 Q Do you see Mr. Miske there?

01:16PM 24 A Yes.

01:16PM 25 Q What is he wearing?

01:16PM 1 A White shirt, black shorts.

01:16PM 2 Q Is there a time stamp -- okay.

01:16PM 3 MR. INCIONG: Strike that question, Your Honor.

01:16PM 4 BY MR. INCIONG:

01:16PM 5 Q So the video clips that we just saw, does that sequence of

01:16PM 6 events, is that consistent with you recall who arrived and when

01:16PM 7 at that meeting at the shop?

01:16PM 8 A Yeah. That's -- that's me, how I talking about I got

01:16PM 9 there, parked across the street, went in, and told 'em what

01:16PM 10 happened.

01:16PM 11 Q That was the first meeting?

01:16PM 12 A Yeah.

01:16PM 13 Q First time you heard that Preston was involved?

01:16PM 14 A Yes. First time I heard, "Let me call Pres."

01:16PM 15 Q Okay. I'd like you to take a look at Exhibit 5-37 next,

01:17PM 16 please.

01:17PM 17 MR. INCIONG: If we can scroll down to the bottom if

01:17PM 18 Exhibit 5-37.

01:17PM 19 It's previously been admitted into evidence, I

01:17PM 20 believe.

01:17PM 21 THE COURT: Yes.

01:17PM 22 MR. INCIONG: Thank you, Your Honor.

01:17PM 23 So if we could enlarge those two boxes, two bottom

01:17PM 24 boxes, please, so we can look at those a little better.

01:17PM 25 BY MR. INCIONG:

01:17PM 1 Q So, Mr. Miller, looking at these, just to kind of get our
01:17PM 2 bearings, first of all, do you see the notation "Pres10"?
01:17PM 3 A Yeah.
01:17PM 4 Q Do you know who that refers to?
01:17PM 5 A Preston.
01:17PM 6 Q Preston Kimoto?
01:17PM 7 A Yes.
01:17PM 8 Q You see it in the two boxes to the right, there's the
01:17PM 9 direction outgoing body says, "Yo"?
01:17PM 10 A Yes.
01:17PM 11 Q Do you recall sending that particular text message to
01:18PM 12 Mr. Kimoto on that day?
01:18PM 13 A I mean, I was texting him that day, but specific
01:18PM 14 conversations, I don't -- but I know I texted him this.
01:18PM 15 Q Okay. So if you look at the next box it says: "Call me
01:18PM 16 ASAP."
01:18PM 17 A Yeah.
01:18PM 18 Q That's an outgoing text from your phone?
01:18PM 19 A Yes.
01:18PM 20 Q You were trying to get ahold of Preston at that time?
01:18PM 21 A Yes.
01:18PM 22 Q What time was that approximately?
01:18PM 23 A 5:30.
01:18PM 24 Q So this is --
01:18PM 25 A 5:33.

01:18PM 1 Q This was after the meeting that you had at Kama'aina?

01:18PM 2 A Yes.

01:18PM 3 MR. INCIONG: Okay. Could we scroll up then to the

01:18PM 4 next couple of boxes, please.

01:18PM 5 BY MR. INCIONG:

01:18PM 6 Q So you send him a text at 5:37: "WTF, brah?"

01:18PM 7 A Yeah.

01:18PM 8 Q Why are you sending that message?

01:18PM 9 A Yeah, he not calling me back -- I mean, he never -- he

01:18PM 10 never answer me at that point, so I telling him what the fuck.

01:18PM 11 Q You're getting frustrated that he's not reaching you?

01:18PM 12 A Yes.

01:19PM 13 Q Okay. Same thing in the next message up, do you see that,

01:19PM 14 message 28?

01:19PM 15 A Yes.

01:19PM 16 Q "Text me back or something."

01:19PM 17 MR. INCIONG: Could we scroll up to the next couple.

01:19PM 18 BY MR. INCIONG:

01:19PM 19 Q Now, this -- message 27 and then 26, is he now responding

01:19PM 20 for the first time?

01:19PM 21 A Yes.

01:19PM 22 Q And is he agreeing then to meet you then --

01:19PM 23 A Yes.

01:19PM 24 Q -- in 15 minutes?

01:19PM 25 A Yes.

01:19PM 1 Q Did you then meet with him later?

01:19PM 2 A Yes.

01:19PM 3 Q All right.

01:19PM 4 MR. INCIONG: Could we go up then to 25.

01:19PM 5 BY MR. INCIONG:

01:19PM 6 Q So you just acknowledged?

01:19PM 7 A Yeah, I telling him, "Okay."

01:19PM 8 Q And then he responds over -- just over an hour later?

01:19PM 9 A Yes.

01:19PM 10 Q Saying that he will call you right back?

01:19PM 11 A Yes.

01:19PM 12 Q Do you recall was there -- did you meet with him in

01:19PM 13 between that time or --

01:19PM 14 A Yes. I met with him multiple times, but we were

01:19PM 15 calling -- we were texting each other, yeah, I telling him

01:19PM 16 hurry up, he telling me he going call me back, and then he come

01:20PM 17 meet me somewhere.

01:20PM 18 That's how -- when I was telling the sequence of how

01:20PM 19 the thing wen' down, this is me texting him, Hey, what the fuck

01:20PM 20 is going on? He texting me hold on, he gotta talk to the girl.

01:20PM 21 And I telling him okay. And then he's telling me, I call you

01:20PM 22 right back.

01:20PM 23 Q Do you recall where specifically you met Mr. Kimoto while

01:20PM 24 this was happening?

01:20PM 25 A I was meeting him -- I know I met him on the side road

01:20PM 1 right there in that -- in that Downtown area, and then I met
01:20PM 2 him at a park.

01:20PM 3 Q Do you recall the name of the park?

01:20PM 4 A I don't know. The park is -- it's in the middle of --
01:20PM 5 it's in the middle of the -- of the town. I don't know the
01:20PM 6 name. That's what I'm trying to say.

01:20PM 7 Q In town, you mean in town in Honolulu?

01:20PM 8 A Yeah, Honolulu area. Get a little park in the middle,
01:20PM 9 some residential stuff.

01:20PM 10 MR. INCIONG: Okay. So let's go up then to text
01:20PM 11 message 23, if we could.

01:20PM 12 BY MR. INCIONG:

01:21PM 13 Q So you're just acknowledging him?

01:21PM 14 A Yes.

01:21PM 15 Q You're saying, "K"?

01:21PM 16 A Yes.

01:21PM 17 Q All right. So you send another message then, it looks
01:21PM 18 like now over -- maybe not quite an hour and a half later?

01:21PM 19 A Yes.

01:21PM 20 Q "Brah"?

01:21PM 21 A Yes.

01:21PM 22 Q What is -- what is the point of that at that point?

01:21PM 23 A Telling him, "Brah," you know.

01:21PM 24 Q He's not -- he's not communicating with you?

01:21PM 25 A Yeah, what the fuck is going on? That's what -- that's

01:21PM 1 what that meant.

01:21PM 2 Q Okay. So let's go up to 21. "No more all night." That's
01:21PM 3 your message, right?

01:21PM 4 A Yes.

01:21PM 5 Q What does that mean?

01:21PM 6 A I telling him like I not -- not waiting all night.

01:21PM 7 Q Okay. So he responds one minute later looks like, not
01:21PM 8 even a minute later, maybe a few seconds later, says he's
01:21PM 9 coming now.

01:21PM 10 A Yes.

01:21PM 11 Q So this is in reference to one of the meetings that you
01:21PM 12 testified about?

01:21PM 13 A Yes.

01:21PM 14 MR. INCIONG: Okay. Can we go up to next 19?

01:21PM 15 BY MR. INCIONG:

01:22PM 16 Q Is that you asking him how far -- how far away he is?

01:22PM 17 A Yes.

01:22PM 18 Q All right. And then he responds right back saying he's at
01:22PM 19 Ala's, five to ten minutes?

01:22PM 20 A Yeah, Ala Moana right now. So he telling me he would be
01:22PM 21 there in about five to ten minutes.

01:22PM 22 Q Okay.

01:22PM 23 MR. INCIONG: So could we go up to message 18 -- I'm
01:22PM 24 sorry, 17.

01:22PM 25 BY MR. INCIONG:

01:22PM 1 Q So this is again you're texting him now, "Call me ASAP,"

01:22PM 2 but this is the following day, right?

01:22PM 3 A Yes.

01:22PM 4 Q So what happened overnight between the 17th and the 18th,

01:22PM 5 now you're -- you're wanting him to call you ASAP?

01:22PM 6 A That's what -- that's when I'm telling him like we -- we

01:22PM 7 meet at the park. After that he's telling me I'm at Ala Moana,

01:22PM 8 be there in five to ten minutes. We meet at -- we meet

01:22PM 9 somewhere. At the park, I think it was. Meet at the park.

01:22PM 10 He's telling me about -- that's when he's telling me

01:22PM 11 they never know it would go that far, I think. I think that's

01:22PM 12 what -- at that conversation he's telling me that the girl and

01:22PM 13 the dad, they never know it was going go that far.

01:23PM 14 Q Okay. So then the next day on the 18th, when you --

01:23PM 15 you're asking him to call you ASAP --

01:23PM 16 A Yeah.

01:23PM 17 Q -- right?

01:23PM 18 And then doesn't look like you get a response. So few

01:23PM 19 a hours later --

01:23PM 20 A Yes.

01:23PM 21 Q -- you text him again saying: "Pres, I just gotta take

01:23PM 22 care of my boys, something then. I can wait till tomorrow, is

01:23PM 23 Thursday."

01:23PM 24 A Yes.

01:23PM 25 Q What is that message about?

01:23PM 1 A So that's -- like we already talking about -- he said,
01:23PM 2 Hey, they just going give you -- they just going to give you
01:23PM 3 like 20 grand for the -- for the trouble, you know, because
01:23PM 4 they never know going to be -- going to take 'em that far.
01:23PM 5 Q Now, you say in that message "my boys," plural.
01:23PM 6 A Yeah.
01:23PM 7 Q Is that --
01:23PM 8 A I was just -- it wasn't more than me and him, that's it.
01:23PM 9 Q There was no one involved in the kidnapping --
01:23PM 10 A No.
01:23PM 11 Q -- that was present with the -- the victim?
01:23PM 12 A No.
01:23PM 13 Q Was a third person ever involved who came and talked to
01:24PM 14 the victim?
01:24PM 15 A No.
01:24PM 16 Q All right. So let me -- let's go back up then to the
01:24PM 17 messages. Message 15, Preston replies to you: "I'm doing
01:24PM 18 estimates." Braddah said hold on, and I'm going to meet him at
01:24PM 19 the shop right now after this and get back to you."
01:24PM 20 And then you respond, go up to message 14, a minute
01:24PM 21 later: "Who?"
01:24PM 22 A Yeah.
01:24PM 23 Q So did you know who Preston was talking about?
01:24PM 24 A No, at that time I never know who he was talking about.
01:24PM 25 Say, "Braddah said hold on, I'm going to meet at the shop right

01:24PM 1 now after this and get back to you." So I'm telling him like,
01:24PM 2 "Who?"
01:24PM 3 MR. INCIONG: Okay. So the next message, if we could
01:24PM 4 look at message 13.
01:24PM 5 BY MR. INCIONG:
01:24PM 6 Q Preston responds: "Bro."
01:24PM 7 A Yeah.
01:24PM 8 Q Who is Bro?
01:24PM 9 A Bro is Miske.
01:24PM 10 Q That was a nickname that you used for him?
01:24PM 11 A Yes.
01:24PM 12 Q Was braddah a nickname that you ever used for him?
01:24PM 13 A Yes.
01:24PM 14 Q Why were you not clear when he said in the previous
01:24PM 15 message, I'm going to meet braddah at the shop?
01:24PM 16 A Yeah, I wasn't clear who he was talking about right there.
01:25PM 17 And then when he responded and said "Bro" --
01:25PM 18 Q Then you knew?
01:25PM 19 A -- then I knew who he was talking about.
01:25PM 20 Q Okay. So you go to message 12 then, and then you ask
01:25PM 21 Preston: "What about your guy? He come through."
01:25PM 22 What does that mean?
01:25PM 23 A I was asking him if his guy came through.
01:25PM 24 Q With the money?
01:25PM 25 A Yeah, with the money, yeah.

01:25PM 1 Q So if we go to message 11 above that, he responds: "Not
01:25PM 2 yet."

01:25PM 3 A Yeah.

01:25PM 4 Q You see that?

01:25PM 5 A He responds: "Not yet."

01:25PM 6 Q And then you reply: "Why? I need 'em, brah?"

01:25PM 7 A Yes.

01:25PM 8 Q You need what?

01:25PM 9 A The money. So I was going -- you know, he was like -- he

01:25PM 10 was like -- at that point Preston was like, Hey, they going to

01:25PM 11 give you -- they just give you 20 grand for give you guys for

01:25PM 12 the troubles. You know, and I was like, 20 grand? You know.

01:25PM 13 At that point in my life 20 grand, if I going give the guy -- I

01:26PM 14 was -- I was blowing 2 grand day on oxys. You know, so half of

01:26PM 15 that 20 grand wasn't going do nothing. I would be gone with

01:26PM 16 that in a few days. So that's the -- that's the conversation I

01:26PM 17 was having with him.

01:26PM 18 Q And was this also in part because the amount of money that

01:26PM 19 Miske had told you that the accountant had?

01:26PM 20 A Yes.

01:26PM 21 Q You expected how much?

01:26PM 22 A Way more than that.

01:26PM 23 Q If we go up to box 9, Preston is telling you he's got to

01:26PM 24 finish the estimate and he'll get back to you. Then you

01:26PM 25 respond, "K"

01:26PM 1 A Yes.

01:26PM 2 Q Okay. You then send him another message at 5:39 p.m. on

01:26PM 3 the 18th. "What, you guys left the shop?" So you're asking

01:26PM 4 Preston --

01:26PM 5 A I asking Preston that.

01:26PM 6 Q Okay. So you still haven't met him?

01:26PM 7 A No, I still never met him.

01:26PM 8 Q Okay. Go up to message 6. Preston replies -- or I'm

01:27PM 9 sorry, you're telling Preston you went by the shop to check

01:27PM 10 out -- check him out. He not there.

01:27PM 11 A Yes.

01:27PM 12 Q Who is "he"?

01:27PM 13 A Miske.

01:27PM 14 Q Go up to page -- or I'm sorry, box 5. You're ask -- or

01:27PM 15 Preston is asking you, "WYA?"

01:27PM 16 A Yeah, asking me where I'm at.

01:27PM 17 Q Okay. And then he sends the next message: "The beach is

01:27PM 18 closed."

01:27PM 19 A Yes, he's sending that to me.

01:27PM 20 Q Right. Did you know what that meant?

01:27PM 21 A That's what -- like he telling me the beach is closed, so

01:27PM 22 where we -- where me and Miske used to go for talk at that

01:27PM 23 beach down there by John Dominis where I say we walk back and

01:27PM 24 forth --

01:27PM 25 Q Yes.

01:27PM 1 A -- he letting me -- telling me no -- he telling me like,
01:27PM 2 hey, that he no like meet over there or something. He's
01:27PM 3 telling me the beach is closed.

01:27PM 4 Q So you're not going to meet there.

01:27PM 5 A No.

01:28PM 6 MR. INCIONG: Okay. We can take that down. Thank
01:28PM 7 you.

01:28PM 8 Your Honor, I'm going to change topics here. I can
01:28PM 9 start for a few minutes if you would like or we can --

01:28PM 10 THE COURT: Well, we're at -- we're practically at
01:28PM 11 1:30, so probably it doesn't make sense to start a new area at
01:28PM 12 this point.

01:28PM 13 So let's go to break for the trial day.

01:28PM 14 As we dismiss our and excuse our jurors for today, I
15 will remind once again to refrain from discussing the substance
16 of this case with anyone, including each other, until I advise
17 you otherwise; to refrain from accessing any media or other
18 accounts of this case that may be out there; and finally,
19 please do not conduct any independent investigation into the
01:28PM 20 facts, circumstances or persons involved.

01:28PM 21 We will see you tomorrow morning at 8:30.

01:29PM 22 (Proceedings were concluded at 1:29 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,
5 true, and correct transcript from the stenographically reported
6 proceedings held in the above-entitled matter and that the
7 transcript page format is in conformance with the regulations
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, March 29, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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